

## City Council Meeting Transcript - 10/18/2012

[09:58:00]

>> city of austin.

>> City of austin.

>> Mayor Leffingwell: Good morning. I am mayor leffingwell. We will begin with the invocation from the reverend micah jackson from the seminary of the southwest. Please rise. mayor, honorable members, thank you for the invitation to be with you today. It is a great honor to pray with and for you this morning. Will you please join me in the spirit of prayer? Almighty and ever-loving god, we thank you for all your many blessings, for our lives, for our friends and family and especially for your call to serve as leaders in this city we love so much. We pray that you will be powerfully present with those present here today, the mayor, the city council and all the staff members, experts and citizens who have come to participate in today's meeting. Enlighten their minds with wisdom. Incline their hearts it would get justice. Guide their feet into the way of peace. And keep them ever-mindful of those who will be affected by the decisions they make. We ask this and all things in your great name, amen.

>> Mayor Leffingwell: Please be seated. Quorum is present so I'll call this regular meeting of the austin city council to order on thursday, OCTOBER 18th, 2012 AT 10:10 A.m. We're meeting in the council chambers, austin city hall. 301 West willie nelson boulevard, austin, texas. Begin with our changes and corrections to today's agenda. First is on items 32, 37, 38, and 46. Add the phrase recommended by the electric utility commission. And item 44, that item is postponed until DECEMBER 6th, 2012. Item number postponed UNTIL NOVEMBER 1st, 2012. Item number 70 is withdrawn. Item number 72, delete as a cosponsor council member kathie tovo. Our time certain items for 30 we have two briefings scheduled, first is a strategic facilities assessment and the next briefing is a formula one briefing. 00 noob, we'll take up our general citizens communications. , zoning matters. , public hearings. 30 live music and proclamations. The musician for today is waldo whittenmier. The consent agenda today is items 1 through 73 with several exceptions, which I'll read into the record. But first I'm going to read into the record item number 65, appointments and waivers. That item will remain on consent. To the austin community technology and telecommunications commission, grover bineam is mayor leffingwell's nominee to the community development commission, dorcas seales is mayor leffingwell's nominee. And nominations to intergovernmental bodies, to the austin travis county ems advisory board, christopher ziebl is mayor leffingwell's nominee. The following items were pulled off the consent agenda. Item number 7, pulled by council member tovo. Item number 17 pulled by council member riley. Items 25 and 26 pulled by council member tovo. Item 68 pulled by council member cole, mayor pro tem cole. And item 62 is pulled by council member tovo.

>> Mayor.

>> Mayor Leffingwell: Council member tovo.

>> I intended to pull 64 for a quick question, rather than 62.

>> Mayor Leffingwell: Okay. So 62 will remain on the consent agenda. Item 64 is pulled by council member tovo. The following items were pulled off the consent agenda due to speakers. Items 3, 4, 5, 6, 18, 33 and 49. Are there any additional items to be pulled off by council members? Council member morrison.

>> Morrison: Can you remind me about 47? That I pulled it?

>> Mayor Leffingwell: I said item 47 is postponed until NOVEMBER 1st.

>> Morrison: Thank you.

>> Mayor Leffingwell: So now before we take a motion on the consent agenda, we have several speakers to speak on the consent agenda. First is it ronnie jimray. You have three minutes to speak on any item on the consent agenda. Any and all.

>> Thank you. Yes. I am still ronnie reefersy. tovo and bubba someday soon. ♪♪ You're going to jail now someday soon ♪♪ just imagine in just a few days, weeks or months, bubba down at the jail is going to have a brand-new celebrity girlfriend and that will give you, sir, plenty of time to read, study and learn something from our precious u.s. Constitution. Everybody here paid attention to that. I'll give you yet another copy. Today we have to stop these criminals for scheming for more bonus bribery as they sociopathically waste precious taxpayer dollars. Sorry, charlie, the entire world, we're all in a raving depression. The entire world. Not only our country. And it's the news media are keeping that quiet. It's a big secret but everybody here knows we're in a depression. We don't have money to waste on all this garbage. And like waste of a whole lot of things, \$1,750,000 we're going to be wasting on this advertising. Just advertising, about the single use bags without community consent and just hundreds of thousands of dollars on all sorts of little nuggets of bribery, social media and facebook, almost \$100,000. Paid media bribery on the \$765,000 and 168 for p.r. And 315 for the creative concepts. We don't have the money for any of this. And as a citizen, I'd just like to ask you, ask you so-called public servants to really serve the public for a change and really do your jobs and pay attention to that money and spend it as if it's not just something to be frivolously piddled away to your bribery pals, but we're really a bunch of poor people. We don't have money to spend on any of this. And not to mention the city -- speaking of sociopathy, they are killing everybody. The mayor gets up and laughs and won't even listen to it. I guess he feels threatened by the truth. So I just hope that we all start holding them accountable. Gosh, we had my friend clay defoe on the ballot. Somehow those wacky election, programmable, hackable so-called voting machines came up with 11% from beginning to end. That's what he supposedly -- he kept getting that same percentage of votes, no matter what section of the city, if it was -- so we'll learn more later.

[Buzzer]

[applause]

>> Mayor Leffingwell: Okay. Next speaker is will McLEOD. You have three minutes total.

>> Good afternoon. I mean good morning, mayor and council. will McLeod for the record. There is several items in here, several wasted taxpayer dollars to be spent. I can't go over every single one in three minutes, but I'm going to highlight the two best ones. First of all, it's number 16, newness concrete and contracting for aba sidewalk and ramp improvements. Does that include fixing the sidewalks on braker lane? And meraddo circle, making that 88 accessible so wheelchairs can live in my apartment community? I hope so. If it's so, I'm for that. We need to spend money on making our facilities accessible. As you know, I signed up neutral for that. Now, the thing that really gets me is item number 33. Authorize, award, negotiation execution of 24-month requirement service agreement with sherry matthews advocacy marketing or one of the other qualified offers to develop and promote a public education campaign to inform business establishments and citizens of the requirements of city ordinance regulating the use of single use bags to not exceed a lot of money. We're talking about homeless out on the street and solving that problem. Why are we throwing away 75 million on advocacy marketing? And sherry matthews doesn't even live in austin. She lives in west lake. West lake hills. And you know west lake hills is actually the biggest contributor to president obama's campaign. The austin statesman published that as a fact. \$500,000 Alone of the \$1 million in campaign contributions went to president obama's campaign. Now, it smells like a conflict in interest because sherry matthews advocacy marketing is not only involved in this, she's involved in that \$385,000 \$385,000 tanker truck for the live in tobacco free austin. This is a conflict of interest. We need a qualified offer and more importantly, we need to reduce our spending at austin city council. Obama's gravy train is going bye-bye in november if the voters decide to elect mayor romney or someone else for president. Because when that happens, the federal money goes bye-bye and then where are you going to come for the money? Us, the taxpayers. We cannot be nicked and diamond on single use bags. What happened to non-profits and churches and social service agencies that are run by donations? You know, why don't we set up a donation system? If you like the program, donate to it. Vote with your wallets, but don't force this down our throats. This is just wrong. Thank you.

[Applause]

>> Mayor Leffingwell: Next speaker is eric strandridge. Eric. You have three minutes.

>> Mayor, council, thank you for your patience. My name is eric strandridge, I stand up to speak against item 24 and 25 which i believe have been pulled by council member tovo. I just wanted to describe i live in robertson hill and those two properties are being sold to a developer. I just wanted to implore council to consider there have been 16 years worth of history between the city and those properties. And everybody in the neighborhood wants to see those properties developed. And if there is some way to ensure that happens in a timely manner, you will get full neighborhood support for any project that comes in line with urban renewal standards and the development of that. Thank you very much.

>> Mayor Leffingwell: Thank you. Before we go to the next consent speaker, I have a couple of corrections to make to the consent agenda. First, item number 47, which was listed as being postponed is now not postponed, but it is pulled from the consent agenda by council member morrison. And I am pulling off items 37 and 49. Next speaker is gavino fernandez.

>> Good morning, mayor, council. My name is gavino fernandez. I'm speaking to you as blue light district 12 director and I want to speak on item 27 which is the funding for the host program. I am speaking in support of this particular item because this is one of the very few measurable items that the mitigation fund supported in addition to the home repairs. But I do want to read a statement because it's very real important of the success that this partnership and this funding of this program has contributed to the enhancement and enrichment of the academic experience of our children. It specifically admits this is the year of our partnership with the aac with the one-to-one reading intervention program, host acronym helping one student to succeed, that serves english and spanish-speaking children. It tutors over 150 students a year with volunteer mentors providing over 8,000 hours each year of dedicated mentoring services. The most recent data shows that 158 students were tutored with 98% improving their reading skills from the prior year and 93% of the students promoted to the next grade level. So again, this is a mirror image of the success of this continued partnership. And it is because of that that I come and speak to you and encourage passage of this so that we can continue the academic success in our community and to also finally remind our viewers, your viewers, that early vote begins october the 22nd. Vote early. The ballot is lengthy. Thank you, mayor, and thank you, council, for this action.

>> Mayor Leffingwell: Thank you. Next speaker is alan keys.

[Applause] alan keys. You have three minutes total. mayor and council members. I am here on behalf of -- i am in opposition to the \$1.75 million being spent. As my 17-year-old said to me, won't they on march the 1st know that they are not going to get any more plastic bags? So why is the city spending that much money when it has libraries closed many days of the week? And why is the city not simply letting the law take force? That's all I have to say.

>> Mayor Leffingwell: That item has been pulled off consent. Ross smith.

>> Good morning, council, mayor. Staff, could you bring up the map that goes with item 63? It's the bluebonnet. You can't bring it up. Okay. All right. It was on the agenda online. You all, item 63 is amending the school zone streets around the school. There is a road that goes east from zilkerr school that connects the school to south lamar and the main access street for kids coming to and leaving the school, fanning out through the neighborhood going towards south lamar. There is one sign saying no 00 and 2:00 to 4:00. Other than that, there is no indication whatsoever that you're coming up to a school. In the afternoon, particularly, with the parking that's there, it's essentially an extra parking lot for the school. With one lane of traffic trying to weave its way through and lots of little kids running through there. So would you please ask staff to take a look at that stretch and see if it should also be included in the school zone signage? Thank you.

>> Mayor Leffingwell: Thank you. City manager, would you make a note to check that out? Those are all the speakers that I have on the consent agenda. So I'll entertain a motion. Council member martinez moves approval.

>> I would like showing voting no on item 33.

>> Mayor Leffingwell: Clerk will show mayor pro tem cole voting no on item 33.

>> Cole: It got pulled. Okay. Disregard. That item has been pulled. All in favor of the motion say aye.

[Chorus of ayes] opposed say no. Passes on a vote of 7-0. So without objection, council, I'd like to bring up item number 68 for a brief statement by the representative here from the waller creek conservancy, I believe.

>> Mayor and council, it's my privilege to have staff competition manager with me this morning. Mayor and council. You were given the report of the jury yesterday, which includes the recommendation of the jury. And I am pleased to report that as we have gone through the competition, we have accomplished the objectives that we set out from the very beginning. Not only have we run a fair process, but we have found some of the greatest designers in the nation and the world to participate in this. We have developed a whole series of ideas about what waller creek can be. We have developed a jury that gives us the capacity to go further on different types of elements. And we developed very specific a tag, technical advisory group within the city, county and state that will give us the support we need as we move the project forward. The competition itself is one event in a long string of events. And what we need to look at from this point on is how we implement the overall design. With that, the selection of the jury is Michael van Valkenberg and Thomas Pfeiffer and partners. In the words of the jury, overall this team recognized that waller creek is unlike any other project in the United States today and is determined to leverage this civic opportunity to the utmost to provide a legacy for the city of Austin. Thank you.

[Applause]

>> Mayor Leffingwell: So with that, mayor pro tem cole.

>> I want to thank the design team and all the professional staff that worked on the project and especially the waller creek conservancy for bringing us this far. And, mayor, I move approval.

>> Mayor Leffingwell: Mayor pro tem cole moves approval of the resolution affirming the selection of Michael van Valkenberg and Thomas Pfeiffer, seconded by council member Spelman. Any further discussion? All in favor say aye.

[Chorus of ayes] opposed no. Passes on a vote of 7-0.

[Applause] so with that, council, we 30 time for briefings. So we'll go into our briefings. First briefing will be on a strategic facilities assessment. And before you start, I want to announce that as this briefing gets started, I will be off the dais. Mayor pro tem cole will be off the dais for just a few minutes, but the briefing will go on. And the senior councilmember, council member Martinez will have the gavel at this time. So, with that, go ahead.

>> Good morning. Eric Stockton, building services. We're here this morning to give you all an overview of the recent strategic facilities assessment or strategic facility planning project. It was

a very large project, a very important one. As you know, city infrastructure touches everything that the city does. Cuts across all the services that are a key factor in the services we provide to the community and it's also very important to and engaged, energized workforce that's motivated to show up and provide those services. This was and continues to be a very large project. We have done our best this morning to limit the presentation to the high-level findings and allow time for questions afterwards. Obviously, we'll be available for follow-up as time goes on. But you have a chance to review the information. The city's portfolio is fairly large and complex and exists of 260 buildings, over 6 million square feet dispersed over a 300 square mile area. Best estimates for replacement value on most of that portfolio are around \$1 billion or more in terms of all those facilities. The growth of the city over time has created demand for more services. Departments have grown and they have done their best over that time to meet their needs through facilities. Most of that decision making process historically has been ad hoc. It's been based on departmental needs and business justifications. We also have circumstances where the service crews and fleet operations and logistics associated with those things are not aligned optimally for maximum efficiency. We have discovered in the study that there are at least 41 origin points for the service groups, so there is opportunity for -- sorry about that. Get a little closer. There is opportunity for consolidation and alignment to create some savings. Facility repair and maintenance has typically been based on a fix and failure type of culture, sort of a reactive approach to facilities maintenance and repair. And we haven't had a lot of modern software facility management tools in place that have been used to manage the city's portfolio from a corporate wide perspective. City manager challenged us -- sorry about that. Sometime ago, the city manager challenged us to address these issues. So we embarked on the strategic planning effort, which we're presenting to you today. In the next slide, I'm just going to quickly go over high-level outcomes that result from this study. Then I'm going to turn it over to rsb who did a lot of the heavy lifting on this to go into a little more detail. One of the outcomes is a detailed facility condition assessment of our facilities which identified a lot of deferred maintenance for our facilities. Enabled us to catalog that information to help us better plan for major maintenance and capital renewal in the future. Logistics study was completed with all the service crews and origin points and determined there's a better and more efficient way to align those crews. And an organizational assessment was completed, evaluating the different functions in the city that are involved in facilities management, real estate, those types of things to determine the best way to align those functions, to approach and manage this portfolio in a comprehensive manner. Individual action plans have been developed for 261 facilities. We have a preliminary 15-year roadmap which establishes a goal for what the portfolio should look like in the long-term. And the best configuration of that portfolio to support city services. I would at this point turn it over to Mike Weiner with rsb who will go into a little more depth on some of these things. Then we'll follow up later. Thank you. Mike.

>> Good morning. Hopefully, you can hear me. I will use my best speaking voice. So rsb's charge here was, does the city have enough space of the right type and the right condition and the right place to serve the city for the next 15 years? Take a very holistic approach to this, where we look at several aspects of that the real estate aspect, operations and maintenance, the workplace and space needs and logistics. Many successful fast-growing public and private entities will take the time to pause to think and to reset. So they can go ahead in a more planned manner. Give some time to think, give some time to plan their finances more efficiently and it's a very complex problem with the city as opposed to a lot of private organizations because you've got many,

many diverse departments with very diverse functionality and responsibilities. So this is the combination of a year and a half's worth of work. And I'll do my best to get it out in the next 15 or so minutes here. We broke this project into three separate phases. The first was to launch the vision. The second one is where we gathered the data. And the third one is when we made recommendations to you. Phase one, the visioning, we did interviews with your senior level staff and we tried very, very hard to establish the vision of the city, which is really the business objectives of this city, to establish how that would link to your facilities and how they serve their place in the organism that the city is. So we did visioning sessions with executives. We did interviews with the senior staff. And we sent out an online gap analysis survey. And we'll get to that shortly. But strategic planning is extremely important to link the business strategy of the organization, the business purpose of the organization with the facility drivers and logistics drivers. So we used Imagine Austin as a framework around which we built all of the drivers for both logistics and facilities, public participation went into Imagine Austin. We met with 39 departments. We have reviewed 261 facilities. And at the end of this, you'll see we have an individual plan within our building within the city's current and potentially proposed real estate portfolio. Imagine Austin set the framework for everything going forward. The gap analysis survey, we asked your senior staff to compare the importance of 47 items based on your seven vision statements and compare that to the current performance. And from that, we established gaps. The gaps on the presentation here showed almost immediately the importance of strategic planning, moving from silos to a more networked connected organization. And definitely showed generational shifts in the workplace and workplace changes that will be necessary to react to many things you'll see in a minute here, particularly with potential staff turnover coming up. Moving to the second phase now, once we had the gaps established, we did some in-depth discovery with your departments for space needs, functionality, service crew, where they went to and from every day. Conditions of buildings, geopolitical issues. This allowed us to focus on specific areas identified by the gaps. This culminated in our 100-page report which I believe you all have a copy of now called our phase II report. And a lot of data collected, inventorying your buildings, your leases, your conditions, service crew routes, everything. So a lot of data backing this up. Looking at the four strategies that we used, here's something from real estate. One of the findings here was decisions are being made at the department level that really have an effect on the city as a whole. So each department is going ahead, making things. And I think they all truly believe they are serving their purpose within the city. Now we've got to get them more interconnected. So with real estate, in particular here, we need to be more strategic about the acquisition and disposal of real estate. Look for areas of opportunity. And use the real estate in areas that there is no longer a focus of the city to fund some of the opportunities that may be coming at you. On the logistics study, 6 million per year we believe could be saved, plus about 500 metric tons of carbon footprint initiative if crews were just started from a different place every morning. So we brought tools to the table for the city to use service routes from 11 different origin points we were told. We actually found 41 different origin points when we had done interviewing about 590 different service crews. They service 239 destination points from 48 different sub organizations within the city. So this is a potential low-hanging fruit for the city here to come up with some savings. On the workplace and space needs strategy, important number here. You have a 23% projected growth in staff over the next 15 years. Remember, we're looking out 15 years with this study and we're trying to set a direction 15 years out so you can start making incremental steps towards that. So 23% employee growth. And that's in line with your historic growth. It sounds big, but it's not that far different from what you are currently

growing at with city staff. But 33% are visible for retirement in the next 10 years. We could have gone from 15 but we don't have the data from the city at this point. You have a 56% potential staff turnover here in the next 15 years. Looking ahead, the workplace is changing. The needs of the workplace is changing. The generations that will be replacing the retirees have different expectations of a workplace. And the work environment directly influences recruitment. It influences well-being. It influences client experience. In your case, the citizens. And it really affects connectivity between people within each department and department to department. So it's a big number and it's definitely in need of being paid attention to. Some of the staff values, generations. We did a workplace satisfaction study. Went out to 8,000 employees and got a pretty good response rate on that. So we have a lot of data to back this up. Many generations participated in this. And a lot of them are unified in their key motivators, organization's values, workplace flexibility and personal fulfillment are key to attracting and retaining good staff. And to do a good job, you need good staff. So workplace has a big influence on that. Condition assessment. Now we're getting down to the nuts and bolts. We went out to 36 of your key facilities identified by the building services department and looked at the appearance, life expectancy and functionality of building systems. This chart here, red, yellow, green chart basically shows good, poor, bad. All the critical facilities here or key facilities, they are not looking very good. There's a lot of deferred maintenance, which is a term that's used in the facilities management business of saying this is really beyond the optimal point of different systems where you're starting to get -- if you get into the red, a lot of things are going to be more costly to repair than to replace the whole thing. So with operations and maintenance, the city would really benefit from a dedicated and protected facilities budget. So your staff here who are supposed to be looking after 261 buildings by the centralized staff and the more dispersed staff from the different departments, to enable them to do predictive and preventive maintenance as opposed to just reactive that's going on right now, it's a break-fix mentality. They are not funded to be able to take care of things ahead of time and predict what's coming at them. So it's an unsustainable path financially, environmentally and for your workforce. And if you really want to view your facilities as assets and not consumables, you need to pay a little more attention to the buildings. So there is a need to centralize your facilities, maintenance and management staff organization structure. It's very dispersed at the moment. Moving on to phase iii now. Here's some of the recommendations. And theory are based on the vision and the project goals that were established in the first phase. They are based on the findings from our phase ii. The four strategists put their heads together. And we'll show you some of that right now. How they did that. We'll get the next one. We created a straw man. This was based on seven scenario planning criteria. So as strategists, the real estate, the operations and maintenance, the workplace which is the one I'm missing here, logistics, strategists put their heads together and created a filter for looking at every aspect of every building. In the upper left on the screen is our swat database, strengths, weaknesses, opportunities and threats were looked at for every individual facility. Using that, they ran the data that they gathered through seven criteria. And those can be made available to you. I don't want to spend the time going through everything. But every building was put through that criteria in creating an individual action item or individual ask I should say for every single building in your portfolio. The outcome of that is this graph here showing the relative costs now. We have a cost model based on today's costs. This is not your construction budget or remodel budget or anything like that. It is a model to show comparison between building, leasing, remodeling. You've got an expense coming at you that is to be able to accommodate 23% growth, you've got to expand or else do a remarkable job of being more

optimal within your existing facilities. So there is an expense coming at you. How can you offset some of that expense? In the green here, we've got potential property sales that you could do on nonoptimal properties. You've got some leases you could exit. The logistics improvements we have talked about. Realigning crews could offset some of that. And eliminating deferred maintenance. If you could get the reds off that chart, your buildings will perform better. They will be more energy efficient. You won't be spending money on fixing stuff on a building that you are going to get rid of next year. Things like that. Because you'll be able to plan ahead. So there are many opportunities here to offset the cost of what's coming at you. And additionally, you could operate more efficiently as an organization. You can consolidate a lot of compatible services. And with workplace management, alternative workplace strategies, you can actually do some slimming from within as we call to try and save space and optimize the space that you already have. Some of the highlights that we have addressed here -- excuse me one minute. One Texas center is in need of a major renovation. I think you're probably aware of that. If you're not, we can back it with some really good data now. Number two, I think that was in alignment with what was just voted a few minutes ago. So we would recommend that the city sell properties within that. And I think that would serve a lot of needs within the city. Three, four, five are recommendations for new buildings. Public safety headquarters that brings all your public safety aspects together for administrative purposes at least. City administrative campus, one of the prime things we found was the departments being split and not having good adjacencies. We think the city can work together if the people who need to be together are together. Five has to do with logistics and getting a new fleet campus and new service center. There's a lot of inefficiencies in fleet servicing, just because of the amount of maintenance bays that your crews are able to work in. They have to put vehicles up on a service bay and take it down when the parts come. Put it back up again the next day. There are not enough sister bays for the vehicles you have in the city. You have a lot of vehicles. On operational recommendations now, we have the data to show how you could service your city within 10 miles of any service center in some of the recommendations were taken into consideration. You should potentially realign your real estate and facilities organization. And that's the organization itself that manages all of your real estate. Centralizing maintenance and management, we talked about that with the decentralized facilities maintenance crews and departments for each department. And then the new workplace standards and mobility program. I think that will definitely allow you to optimize space that you currently have. We spend a lot of time collecting data for you, on your behalf. We have got it now into a centralized database so you now can see in one place this packet of stuff that you are stewards of. In order to maintain the momentum, you can make yourself agile and able to react to change very quickly. If something comes at you or you need to do something, you've got the data now necessary to make decisions. You have to keep it current and you have to maintain it going forward. The drawing on the right there, one Texas center, we now have started a system for you where you can bring up floor plans of your buildings and show which department is where. That shows the story very, very quickly when you see departments sputtered all over the place. The drawing on the right is part of this iif system we set up for you, intelligent facility forecasting. That's where the actions for each individual facility are listed. That's where the cost model is stored, if particular unit costs are found to be not as accurate as you would like. You can change one number and run all the reports again and it will create the new cost model. Would you like to take it from here? Thank you very much.

>> All right. I'm just going to wrap up and talk briefly about next steps. You know, as you have heard, what we have received is a dynamic strategic facility plan that's not a static plan which is often the case when these things are done. The intent is that it will remain fresh and we'll be able to keep it current. So some of the next steps, we need to start working on implementation of the roadmap, of the 15-year planning horizon. We are going to start working on developing financial and funding strategies, identify long-term, short-term, midterm implementation projects to start moving in the direction of that 15-year goal. We have to continue implementation of the tools and technology we have received and support that and resource it. We also have started evaluating organizational alignments and efficiencies as recommended by the consultant. And we will continue working on building some key organizational competencies in building services, which we have started to shift the organization from a reactive maintenance type of organization to a proactive facilities management organization. Finally, I'd like to thank council for funding this study. This is the first time in the city's history, at least as long as I've been here, that we have taken this approach with building infrastructure. It's important. It's usually not a very sexy issue, but it does impact the quality of services and the effectiveness of those services. So we appreciate that. I'd also like to thank all the department directors and their staff that participated in this study. This was a major effort. There are literally -- if we were to print all the information, thousands of pages of data associated with these models and all of this. So it's not real exciting to look at. But for folks like me, it is because we now have a tool that we can start to plan an proactive and hopefully shift our facility infrastructure into a more supporting role to the city's operations. And finally, I'll just close with some images that kind of give you a visual of what this looks like once it's on the ground. These are images from a facility that we toured in minneapolis. And this is the city of minneapolis' public works facility where a lot of their crews show up and work. You see images of kind of modern open and flexible work environment. I think they refer to it as change-ready architecture. This is a site where they had multiple service crews that were independent in their organization. They rehabilitated the site. It's a leed platinum facility and up for a brownfield award. And they consolidated these different groups into one facility. They now work together more efficiently whereas they used to have a snow blower for each one of them and maybe had six of them, six jackhammers, they now have an equipment room and a shop. They maybe have two and have plenty to work with. That's an example, sort of an oversimplified illustration of how facilities can operate operational efficiency. So with that, there is a lot of information. We just kind of skimmed the surface of all of this so we know that you will have questions. And we will be available to follow up over time as you absorb this.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Thanks for all the work on this. I wanted to hone in on the final component which is yet to be done in terms of the strategic planning for how do we achieve this. And so what I wanted to ask is xz in that strategic planning, will we make accurate assumptions on the cost savings of the 2 million and ongoing cost for the facilities we have now if we were to consolidate, if we were to build a new structure? How does all that work. It seems like there's a lot of moving parts with this plan. Based on the report, I agree with -- I forget the gentleman's name. It seemed absolutely unsustainable moving forward. We have the majority of our fire stations in poor or horrible conditions. And there's really -- i don't know of any way to rebuild 30 fire stations around the city. I'm just wondering, how do we catch up? Seems like we're going out for bond packages. And we're building new facilities in areas where they are needed, but we're

not necessarily focusing on maintaining the existing facilities. I'm trying to get my head around what that price tag would look like.

>> I think overall, the combined estimate for -- there was a chart that showed a red column which showed all the expenses and a chart that showed the offsets in green. And the estimate -- and this is a model. Is 400 -- there's no numbers. Is it 500 or 600?

>> That includes the new buildings. I think you were talking about just the deferred maintenance right now. And the deferred maintenance --

>> Mayor Leffingwell: Sir, if you are going to talk, would you talk on the record, please? Give us your name.

>> Yeah. Mike weiner, here again. The deferred maintenance that we're showing on that chart is about 8 million, is what we had estimated would get you from the red back to green. Now, not all the facilities need to have that money spent on them. On the chart that we showed earlier, it showed there was some potential savings in deferred maintenance if you plan on selling those buildings. Now, I don't know how you sell your buildings. You can sell them in poor condition or you can fix them up and then sell them to get more money for them. That's kind of a decision someone is going to have to make on how you dispose of real estate. But yes, there is a number there that can be planned against. I think the next step really is to establish now the tactics. We have done the strategic planning. The next step is to go master planning. Strategic planning deals with the portfolio. Master planning deals with site to site. And then tactical planning deals with building by building basis. So once the strategy is accepted as this is a good route to go, I think the building services people will be able to then start phasing and coming up with a budget plan to see how this can be accomplished.

>> Martinez: So one of the missing components from this is if the council chooses to move forward with monetizing assets that we have that we no longer need because we're consolidating, we don't know what that value is and how that would be added back into this. Is that correct? If we start selling off properties, that's arguably an asset. That goes to the offset of whatever we're consolidating and rebuilding or remodeling. How do you factor that in?

>> We have to come up with a cost model for the actual tactics now as opposed to the recommendation so we can start putting in more accurate costs when we get specific how we do this. You can't sell stuff off until you have somebody to put the function that is in the dilapidated building or the misplaced building before you can really, you know, move out and sell. But there is a definite opportunity for offset cost. I think that is the next step -- is to establish phasing and budget going forward. So we make it palatable. This will save money in the end. That's the intent. It's not intended to cost money. It's intended to save money.

>> Martinez: I realize that. It's the notion of how much do we have to spend before we start to save.

[Laughter]

>> that's the next step. Okay.

>> Martinez: Thank you.

>> Mayor Leffingwell: Thank you. And council, just to give you an idea what's ahead, i would like to take up items 28 and 69 together before noon. Mayor pro tem cole has a family member in the hospital and she needs to get out this afternoon. So with that in mind, we'd like to get to these items before the noon break. Council member tovo.

>> Tovo: I wanted to ask -- I haven't read the report yet. Perhaps this point is elaborated on in the report. I did have a question about page 18. You talk about the realignment of the real estate facilities reorganization. I wonder if you could briefly elaborate on that point and indicate whether there are any other best practices or any other cities you have looked to for best practices in that regard.

>> Hold on. Let me get to my page number here. What that refers to is the fact that the city facilities management functions and any real estate issues associated with facility management have been decentralized for the most part throughout the city historically. So the recommendation from the consultant is to create a corporate perspective and alignment. There are different methodologies for do that. That could take the form of several departments participating in a governance committee, restructuring the department organizations. And that's what we're looking at right now. We don't have a specific recommendation how to proceed in that direction. The consultant identified the problem and we're looking at how we can address that issue. We are in discussions on that right now.

>> Tovo: Great. The second part of my question, whether there are any other municipalities we can look to for best practices with regard to that close alignment between real estate and building services. I'm sorry, facilities.

>> We have looked at some other cities. What I have found in looking at other cities is it varies widely. Some we looked at came from the private sector. One of the sought matter experts that worked at the team was very familiar with the organizational structure of facilities and real estate in large organizations. And the recommendations to align came from that subject matter expert.

>> Tovo: I see. I did want to ask you -- i know that it been a goal of the joint subcommittee and a resolution and part of a resolution adopted by this council to work more closely with our largest school district within our city limits, aisd and travis county and to look at joint use opportunities, not just for new buildings but also for existing buildings. I wondered the extent to which this process engaged some of those partners, aisd I know has spent some time over the last few years looking at their facilities and doing facilities planning. It seems like an ideal opportunity now that we have done the same to really get that conversation -- continue that conversation or enhance that conversation between the city of austin and aisd.

>> We have opened a line of communication. We now -- essentially what we have right now is a starting point in the map. We know where we are and we know what we need to do. And so moving forward, as we move into different levels of planning, we will be coordinating with aisd.

I have opened up a line of communication with travis county because they have done similar efforts. We don't have any plans yet, but we have opened the door and shared some information. And we will be doing so in the future as we move forward if we see an opportunity. They will look at our information, our plan and we'll look at their information. And we'll see where we can find some overlap, if any, to partner or, you know, share opportunities.

>> Tovo: Great. I think I heard a future tense that you would share this plan with them. They haven't received it yet. I know it's just been released.

>> Right. We wanted to get the information in front of you all first. Now we'll hit the ground running.

>> Tovo: Great. I think that ties in nicely with the bullet point that we have just discussed about realigning real estate and facilities because, you know, as we have opportunities, as the city is looking for opportunities to lease space, I hope that will happen in conversation with our partners who may have space to lease. And these issues really need to be thought about more holistically. I'm glad the lines of communication have been opened. And I hope our real estate and facilities division can work with our partner organizations, the aisd and travis county and other districts as appropriate, to really utilize our buildings in the most efficient way possible and to help our partners do the same. Thanks very much.

>> Mayor Leffingwell: Thank you. Council member riley.

>> Riley: Thanks, mayor. Just a couple of questions. First in talking about the road ahead, you mentioned the 15-year funding horizon. Can you give us any points short of that horizon when you expect we might see some additional deliverables, such as the financial funding strategies, the near term incremental projects and other things that are short-term steps towards that horizon?

>> Well, I think we're trying to hit the ground running just because it is a very large concept to get across, 15 years and across the entire portfolio. There are some things that are fairly obvious near-term issues we need to address. For example, one texas center has a lot of issues. It's overcrowded and actually driving some much our increasing trend for lease space. So we need to get busy with looking at how we can remodel that space and make it more efficient, create the additional capacity. Also if we need to move some functions out, how do we align that building to support this overall plan? Also, the waller creek development is moving forward. And we need to look at interim strategies for how we integrate with that, with the municipal court, apd. Those are just a couple of examples of I think near-term issues and projects you'll see coming up. We also need to get busy with working on organizational alignment. That's probably going to take a few months to start establishing that. So I would say over the course of the next six months to a year, you're going to see a lot more information moving forward in terms of establishing priorities and what we will be looking at in the next short-term future as well as financial strategies. I think greg has something to add to that.

>> Greg canaly, financial services. To add to what eric said, now that we have a plan and vision where we need to go and we start looking at tactical limitation of this, I think you can expect it's

a really good time for us to get this plan from a financial perspective. Because we're at the -- we just finished and started a new budget. We're already working on looking ahead to the next plan. So as we look at doing the forecast and the business planning and looking as we put together capital budgets, this will get incorporated in that. Wow firmly expect as we come forward to you in the beginning of this next budget process, you're going to see elements of tactical plans associated with this strategic vision in upcoming plan that would incorporate financial aspects and funding plans for getting at some of those key issues, both not only some of the renovation and repair issues, but some of those larger projects that liner pointed out as some of those kind of big efforts that we need to get working on. So I think you can expect to see that in the upcoming budget process.

>> Sure. liner mentioned a new public safety headquarters, a new city administrative campus, new fleet service campus and north service centers, those are big ticket items. I'm trying to get a sense of the time frame for when we might see -- when we might be getting into a discussion about funding, location, and so on for those major new facilities.

>> And again, I think we want to do that holistically with the funding. We have to look at obviously funding alternatives, funding opportunities and how we can bring that to bear. But more importantly, i think lessons learned in the past, we want to make sure as we are moving pieces around, that we move together. As we try to solve one issue, we're not creating another one. Now that we have that plan. So we're going to do that financially as well. We're going to try to map out a financial plan that wraps around this, that also kind of locks step from a critical facility perspective, what we need to work on first. And so we have actually started that preplanning of that work now. And again, as we incorporate that into our forecast elements, something as simple as every year we add new employees into the city. One of the elements we're going to add into our budget process this year is ensuring that we have space for our new employees. That kind of low-hanging fruit to have a better planning effort. We started in the preplanning work. And I expect as we get into the spring and kind of more budget deliberations, you're going to see aspects of that, aspects of some of the master planning and tactical planning on some of the highlights talked about today.

>> I want to emphasize that part of the value that the consultant has brought to us is that need to step back and look at the bigger picture than just the individual needs of the departm case-by-case basis. On the notion of addressing this in the course of the regular budget process, as we start to see the departmental budget presentations, I just want to make sure we don't fall back into the weeds and we keep a focus on the bigger picture of consolidating services and having the savings that the consultant has identified that we can only achieve through the big picture planning.

>> Council member, we agree 100%. In fact, when we talk about the budget process, looking at the long-term process we do and the forecast process we look at is really a five-year process as an interim. So that will all get weefd in. Now that we have that strategic vision, we can weave that into the efforts.

>> In the meantime, as we see leases come forward, which happens all the time, when we start seeing references to this plan in connection with individual leases?

>> Yes. We will be -- that's part of that alignment issue on the different aspects, different groups in this city that work on these types of issues. We will be evaluating, you know, leases and other items. And it may be for some period of time we need to continue with that. I can tell you from experience we have a shortage of space available throughout the city. So that has been driving an increase in trend toward leasing. We can look at the leases and estimate that we don't want to sign a 10-year lease, that's for sure. Maybe not a five-year lease. Demands on where we are in terms of implementing the plan.

>> Thanks for your work.

>> Yes, sir.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: You made the comment that you thought maybe not everyone thought this was an exciting area.

[Laughter] I think it is. I think you can tell by the comments that the idea of really being able to do a comprehensive holistic look and plan often really is very appealing, although challenging. I do have one question in terms of a scope of this. I'm a little confused about exactly is included. We are talking a lot about workplace needs for our growing set of employees. We also, of course, own a lot of facilities, like parks and things like that. And we'll need more of those. Was that all considered, also, in here? Things that are -- you say our parks and rec centers and things that serve the public in terms of the facilities that we own?

>> Yes. However, there were different levels. We did a deeper dive on some types of facilities than we did on others. And we started this study because we knew we had an urgent issue with administrative type of space. Then we wrapped in and got at least a minimal amount of information for the database on public-facing facilities like parks and libraries, , so that we at least have those facilities cataloged. And so we didn't do as deep a dive or condition assessment on those. Those two departments function which do a great job of keeping up with those things. And they know what their issues are. But we do now have their information located in a central database so that we can begin as we move forward and issues come up around those facilities and we can link that to the overall effort.

>> Morrison: One of the issues is we are going to need many more parks and other facilities like that, that you haven't quite -- the laser beam focus. So I want to make sure. That's especially critical when we're thinking about real estate. If we're going to be disposing of real estate, in fact, just last week, we approved a resolution that asked our real estate -- asked our city manager to work on the whole issue of selling real estate and how we do a better job of identifying, you know, across the community what needs we might have for a particular type of real estate because we ended up with something that was very controversial and it's an item and topic that the city manager and I have talked about quite a bit over the past year. So that appears to me, that resolution really needs to fold right into the work that's being done under here. May not be readily available to others in the community and I think that information will also feed into this

process from a real estate standpoint so that we're making intelligent decisions about that as well. Bert, I don't know if you have anything to add to what I said.

>> Bert lumbreras, assistant city manager over community services. The city manager is exactly right. The staff has spent a considerable amount of time doing not as deep of a dive in this report but they have actually done a lot of walk-through assessments and inventories of our facilities. A lot of aging facilities and everything from our pools to rec centers and a part of what they have recommending to do not to methodically is address those problems. But the city manager is right, the department has been doing a lot of due diligence in that area.

>> Morrison: Thank you, and I do want to mention a couple of other -- this is a holistic look. We need to keep in mind and I think this is part of the real estate resolution from last week is about and that is if we have an asset, there is the bricks and mortar use of it, potential use, there's the dollar value, but there's also the community value that needs to weigh into it so it's not always just a financial decision by any means. And secondly, if we do decide that it makes sense to divest ourselves of a piece of real estate, i think we need to take it to the next step and say what values in the community do we need to promote with this piece of property. So that before we put it on the market, we figure out exactly what it is that we might be asking for in terms of giving this -- passing this off to somebody else to, you know, for instance, if it's a prime area for affordable housing, then we might want to make sure that we put some conditions and constraints on the sale that it includes some affordable housing and things like that. So I think we have a great opportunity to have that conversation. Right, imagine austin definitely does. And then I just have one specific question and that is in terms of the -- there are some very specific recommendations in terms of maintaining the workplace management systems and then the other data pace, the intelligent something -- facilities.

>> Facility forecast.

>> And I just want to confirm, I presume this is accurate that we do have the resources in place and do plan to pick up and maintain those two tools that are being provided to us.

>> Yes, we are. We're actually -- those two tools are live and we're populating them with additional data now and they will mature over time. It will take a process of some years to get all the data in there. However, they are already useful and can help us and guide us in doing, you know, better aligning for the entire portfolio. So we do. And if we identify any gaps in resources, we'll definitely be asking to fill those gaps because that is fundamental to this effort is having accurate data.

>> Morrison: Great. And it does sound like a treasure trove of new data and we have a new initiative to get as much data on our website available to subs as possible, and so I wonder if there are plans to make that publicly available or to at least extract the data and provide it to our data portal. Has there been any discussion about that?

>> Not yet, but we will.

>> Morrison: Thank you. Great. Thank you very much.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: In the interest of time, just one question. Did this report surprise you?

>> No.

>> Spelman: Thanks.

>> Mayor Leffingwell: Okay. Thank you very much. Appreciate the briefing. So as previously advertised, council, without objection, we'll take up items 28 and 69 together. We'll vote on them separately. So the speakers list has been abbreviated somewhat. Joel rassmussen is the first speaker. And you have three minutes.

>> I'll be brief. Thank you, mayor, mayor pro tem, councilmembers, city manager and city attorney. My name is joel rassmussen, founding member of the austin rental alliance and we've been happy to work with staff and council on this issue the last two years. We're on the cusp of launching a successful program and believe we have a very good ordinance. After council passed the compromise ordinance in august, city staff put together the rules and the fees. And it's there that there are just a few tweaks that i think are needed to take this from barrier to success to being a best practice. If we could, excuse me, lower the type 1 registration fee to nothing or to a nominal fee, we believe we can get more people into the program. If we can lower the notification fee as well to nothing or to nominal fee, we believe strongly we can get more of those occasional formula one and sxsw renters into the program. If we can lower the type 2 rental station fee as well, we feel strongly we will see much higher participation in the program and much higher from the clients. There is an affidavit that became part of the registration process that puts pretty broad and onerous on the owners and we would like to see that removed and cota told us the owner would certify that the statements were true -- true to the best of their knowledge. For what's actually in the registration has gone far beyond that and many of our owners have had their attorneys and legal review tell them they shouldn't sign that affidavit, it's too broad of a liability. One other thing that's come up as we've gone through the registration process is the code compliance folks have been wonderful to work with. Their interpretation of this ordinance is that once somebody registers at a short-term rental, that's a permanent land use change and that property can no longer be rented for more than 30 days. We know that was not part of the intent of the ordinance but that is nonetheless how code compliance has interpreted this and I've reviewed that with their legal folks. They need clarification from council that was not the intent of the ordinance. And then finally, we would love to see some -- I think we need to have some sort of amnesty for the folks operating legally september 29, but when the ordinance went into effect october 1, if they were not able to prove they were operating prior to june, they are not allowed to register until january of next year. We have people with leases for formula one that they entered into legally mid summer or nine months ago, but they are now in this strange gray area where they are being told they can't register so technically they are illegal and they've been legal. We feel strongly it's a good ordinance. We really welcome all of the great work and assistance that staff and code compliance and council has put into this process. And we're very close to having a very functioning ordinance. Thank you.

>> Mayor Leffingwell: Councilmember morrison has a question.

>> Morrison: Actually i have a question for legal. There was a comment these were legal as of september 29. It's my understanding that based on the board of adjustments' interpretation they were illegal on september 29 and I would just like to get that clarified for the record.

>> Mayor Leffingwell: City attorney.

>> Let me see if I can find the attorney who advises -- there he is. Chad.

>> Are you done with me?

>> Mayor Leffingwell: No. Hang around.

>> Actually, chad shaw, law department. I'm one of several attorneys working on this and i believe your question was being looked into by another attorney who is on his way down here so if we can pause or continue just a moment and address that in just a few minutes.

>> Morrison: Sure. That would be fine.

>> Thank you.

>> Mayor Leffingwell: We'll come back to that. Councilmember tovo.

>> Tovo: I have a question for mr. rassmussen. You mentioned in your comments that property owners had been advised by their lawyers not to sign the affidavit because it exposed them to too much liability and I wonder if you could get specifics about which provisions they felt exposed them to too much liability.

>> I wasn't party to those conversations, I don't believe I'm confident to speak to that.

>> Tovo: I guess this is just a general comment to those who follow if you have information I would like to hear it especially since the resolution before us today con temperature jettisoning that I would like information on what has proved to be problematic.

>> Mayor Leffingwell: Bob easter. You have three minutes.

>> Thank you, mayor and mayor pro tem, city councilmembers, city manager and city attorney. I am a founding member of the austin rental alliance and I recently went to register my properties at the code compliance office and was surprised by having been told that my homestead type 1 would have to be registered both as a homestead type 1 and type 2 and pay two separate fees, \$952 to register my home, which I only lease out my apartment that was built for my mother and father-in-law to live with us for six years before they passed at age 98. I was also surprised to learn that once my property was considered as a short-term rental, that it was a land code change and i could no longer lease that property as long term. So both these sound impossible to me and it certainly wasn't something that hinted and for all the work you have done, we thank you for that. My goal is to make sure that we register everyone who is leasing a short-term rental in the city and bring more tax dollars to the city budget. But I was surprised by the requirements that I

was told at code compliance. And I would appreciate you looking into that and working on it and thank you for your time.

>> Mayor Leffingwell: Thank you. Just let me know when someone is here to answer councilmember morrison's question. Otherwise we'll go on.

>> Chad, can you tell me who you are looking for?

>> Mayor Leffingwell: We've got him over here.

>> Councilmember morrison, brent lloyd, assistant city attorney. I apologize for not be present when you asked your question. My understanding you inquired about the significance of the date with respect to the legality of short-term rentals. And the board of adjustment, and I believe the date it's in the ordinance was june 13th they ruled, and the board of adjustment ruled that short-term rentals, the ones that would fit into the category of type 2 are not legal residential uses. And so for purposes of assessing whether a short-term rental is a legitimate nonconforming use, that is the critical date. So following june 13th of 2011, and I believe that was the date, short-term rentals should be -- would need to be able to show that they were in active use prior to the date of the board of adjustment decision. The board under state law and under city code had proper legal authority to determine the use status. They acted. And that date was put into the ordinance specifically for that reason.

>> Morrison: Okay, thank you. So the statement that they were legal on SEPTEMBER 29th, 2012 AND Illegal on october 1, if they didn't register, some may or may not have been legal, in your opinion, on SEPTEMBER 29th.

>> That's correct. I think the critical date that a landowner would need to be mindful of in terms of establishing their right as a legal nonconforming use would be prior to the date that the board issued its decision.

>> Morrison: I guess there would also be a legal discussion to be had about prior to the board of adjustment decision, some folks may argue that they weren't legal before then, that it was just marked in time that they weren't legal ON JUNE 13th, BUT THAT Might be time for -- there might be another time and place for that discussion.

>> I can certainly address that issue at another time.

>> Morrison: Thank you.

>> Mayor Leffingwell: Okay. Next speaker is theresa scott tibbs. And you have three minutes.

>> Thank you, mayor. Good morning, mayor, mayor pro tem, city manager and councilmembers. I'm theresa scott tibbs, vice chair of the austin board of realtors government affairs committee. I have worked many years with the stakeholders of the planning commission, the planning commission and city staff to agree on a reasonable regulation that would encourage compliance and benefit the city, property owners and neighborhoods. We thank you for

considering stakeholders' input during the process and seeking a balanced solution that would benefit the city as a whole. Unfortunately the program is not working. Only 19 properties were registered as of OCTOBER 12th. The high fees and cumbersome registration process currently in place will only keep homeowners from registering which will not benefit anyone. We cannot afford to wait until the normal rule-making process to evaluate the rules. We cannot afford to wait and see if these rules will work. Abr supports item number 28 and 69 and we believe that the rules need to start right now in the process of working. And so we would like you to consider some of the rule changes that were mentioned earlier. There are simple ways to encourage compliance. One would be to have online registration. 2, We could eliminate redundancy such as the certificate of occupancy that was discussed and the certificate of occupancy and inspections ensure currently that the properties are up to code and safe. There's no need to have the additional affidavit that would state the same thing. We also, third, would like to see fees are set reasonable. This would encourage REGISTRATION OF THE SCRs That are operating underground, unreasonably high fees will do nothing to increase that rate of compliance. And fourthly, we would like you to set lower rates for type 1 sbr. Expecting homeowners who lease short term only once or twice a year to pay same fees as homeowners who are operating type 2 sdr's is unrealistic and unreasonable. IF STR PROGRAMS FAIL, STRs Will still operate, you just won't know where they are and how to track them. The city also will not collect more on the hot taxes, you will collect less because we're going to continue to operate. Nobody wants to see this happen. We all want a solution that will work long term to ensure the safety of the visitors and preserve austin neighborhoods. Let's fix the program now. Thank you.

>> Mayor Leffingwell: Thank you. Cncilmember tovo has a question for you.

>> Yes, ma'am.

>> Tovo: I have a question. Since you referred also to the affidavit and I saw one of my colleagues raise his or her eyebrows earlier so I'll just say that the resolution that is before us today has the language consider clarifying or eliminating the short earlier. I think I said earlier jettison which was my shorthand for clarifying or eliminating. Since you referred to the affidavit, could you help me understand why -- why having a list of -- why you described it as agreeing -- could you help me understand your point about it.

>> So currently when the people have housing they get a certificate of occupancy. And so we feel that the information on the certificate of occupancy will satisfy what you are looking for, which is whether that property is safe or not.

>> Tovo: So if one has a certificate of occupancy certifying their dwelling is safe, why would there be any issue or any increased liability signing an affidavit saying that the property was safe.

>> Just like joel was saying, a lot of what's happening is the guys are going before to get this information done and the attorneys are advising them not to sign it.

>> Tovo: Why?

>> As far as why, I don't have specifics because i wasn't in the room either. However, we can look to provide you some more information on that.

>> Tovo: I would like some more information because if we're as a city asserting that these are safe dwellings, I'm not understanding why a property owner would be unwilling to sign an affidavit saying that their property is safe. So anyway, if we can get to some specifics about what language in the affidavit is causing discomfort, that would be very helpful. I think we need to -- at a minimum we need to assure visitors staying in short-term rentals are staying in places that are safe. Anyway, thank you.

>> Okay.

>> Mayor Leffingwell: My understanding is that's all the folks who have signed up wishing to speak. Is there anyone else whose name I haven't called that would like to speak? Are you signed up to speak? Okay. Come on down. All right. You are signed up neutral. Rob basack. Is rob here? Don't see him. You have three minutes. mayor, councilmembers. I have some concerns regarding this. They are not the concerns that you've heard so far. The next major event coming to austin is coming to austin one month from today. That's the formula one race. There are people all over the world who we've tried to get here for that race. I don't know how many times I read this or hear this or see this. Many of those people may very well have a reservation in place. I would suggest that if there's any way at this point for the council to hold this decision off and just let everything stay the way it was, and that may not be possible, but if it is possible, that's probably the best course to sort this out. From what I've heard in the last few minutes, I have no idea where we're going, but we're going into a lot of legalese, we're going into the city attorney's office. She's going to do the best she can with her people. You are going to look at this as much as you can, but there are people all over the world who have a reservation. I know that some members of the council went to london. If you found out at the last minute that you couldn't stay in the place you are going to stay, you are going to scramble to get somewhere else. Any dollar that does not come to the city of austin goes somewhere else. Yet the city of austin and the circuit of the americas has to pay for all this. So let's say you cancel somebody's reservation because either the individual thinks it may get canceled later or the homeowner says I have to cancel it, that money goes where? San marcos, san antonio, wherever it can. People need resolution to this issue and they need that resolution quickly, and the only way I can see to do this is to put it on hold until at least this next major event takes place. If you want to deal with it after that, that's great. But until then, all we're doing is throwing confusion in the minds of homeowners and in the minds of those people that hopefully are coming here to stay. That's all I have. If anybody has a question, you have to entertain.

>> Mayor Leffingwell: Thank you. Councilmember spelman, did you have a comment?

>> Spelman: Mayor, if i guernsey a question. Following on the concern of this fellow. We do as everything the fellow said is accurate, I've forgotten his name. My apologies, sir. We have a lot of people who have resolutions who are coming to town expecting to stay at some short-term rental house and whether they are registered or not you have a lot of people who have expectations. If the resolution before us passes, in your opinion, is what's likely to happen next?

Are we going to close these guys down? Are they going to continue to stay open at least the next month?

>> First I would probably get with my colleague carl smart in code compliance and we would discuss actually that issue. When we knew the last time this came up there was an amendment that was pending, smart and I got together and we discussed this matter because if we start taking cases before a court and given that there's pending litigation, in fact, we have at least two suits perhaps on either side of this issue that are pending, there was concern of taking items into the courtroom, having questions whether or not the ordinance is valid or not

[inaudible] and what that ordinance might look at. The difference being that we actually have an ordinance in place, but -- you know, if this amendment -- I guess if the resolution were to pass, I would probably go back and have to have another discussion with mr. smart about that issue. I think that the [inaudible] of the resolution that's before you and item with council with time limited to I think 120 days, I would have that discussion.

>> Spelman: Sure. Presumably in 120 days you will have a full report as to what you think needs to be moved around, if anything. But between now and 120 days from now, we're not going to shut these guys down. Is that accurate?

>> It's a difficult question to answer because I think if you had a situation where there's health safety issues or if there was a situation where you actually had wild parties going on, people making a lot of noise, dangerous for people to pass because of blocking a public street, things like that, we would certainly act on that.

>> Spelman: And, of course, we've been doing that already. Before we had a registration program, before we passed the ordinance, if somebody is blocking the street, providing a public nuisance which is against the code, we're going to enforce the code. That's not going to change just because we're considering the administrative details of the ordinance. Is that correct?

>> Correct.

>> Spelman: So we'll continue enforcing the code. If people break the code, we will find them in violation of the code. If they play by the rules of the code, we're not going to go out of our way to shut somebody down.

>> Our codes are in place to work -- we work with people to make sure they are in compliance. We're not trying to put people out of business or put people out of a room. We would work in a manner that would try to encourage them to come in and if they weren't certainly registered, we would ask them to come in and then to register and be in compliance with our code.

>> Spelman: Thank you.

>> Mayor Leffingwell: So guernsey, am i understanding correctly that there's effectively a moratorium on the registration part of the enforcement? On the penalties, on the penalties for failure to register?

>> There's a very limited -- we have two types of short-term rentals. Ones that are owner occupied and there's certainly a moratorium on them. THERE'S TYPE 2s THAT IF They were open for business prior to the board of adjustment meeting and where they made their decision and if there was taxes that were paid, they can come in and register today. I think the concern that's raised are those where in the ordinance as it's phrased they may have been paying hotel-motel taxes and if they had been operating previously up until the passage of the new ordinance, and that was a concern I think that lloyd addressed moments ago. FOR THOSE TYPE 1s AND THOSE OTHER TYPE 2s, THEY Can come into code compliance office and register those today if they comply with the minimum requirements.

>> Mayor Leffingwell: And they will not be penalized in the meantime?

>> Right now we are working to try to bring people into compliance. We're not actively --

>> Mayor Leffingwell: Nobody is going to have to cancel their reservations. smart to come up, but I think if we found someone not in compliance, we would tell them they need to bring their property in compliance and have them come in. If they did that, there wouldn't be any enforcement issue that would go forward because we have brought them into compliance. The answer would be no, we wouldn't kick them out, we would encourage them to come in and comply with the code.

>> Mayor Leffingwell: Councilmember tovo. Those are all the speakers that we have signed up. And we'll take up item 28 first and then 69.

>> Tovo: My questions right now pertain primarily to 28. guernsey, I have a few questions. Thank you for the information you provided through the q and a process. My first question is a statement. Number 28 conflicts in some ways with item 69 in that item 69 asks -- let me just use the exact language. Number 1, the first point of resolution, number 69 days review the schedule for short-term rentals. And in my mind, 28 in some ways conflicts with that because you're proposing a fee change; whereas the resolution asks for staff to go forward and review and report back in 120 days. I just wonder if you had been aware of item 69 before the staff brought forward item 28.

>> Given I think they were both posted on the agenda i think last friday, there had certainly been discussions probably with council office and my staff about possibilities may be on the agenda this week. But I personally didn't coordinate anything, you know, with sponsors of the items that are on here and what their exact language was. I look at 28 as items that since we've had registration since the beginning of the month and my discussions smart and listening to people that have come in, there was a concern that was raised about the fee that we proposed. And as we were going through and discussing this at earlier council meetings, i don't think we talked about the dollar amount. We did certainly discuss the amount of the short-term rental -- or registration fee, the \$235 fee, but i think we said we were charging an identification key. We have a standard identification fee. And as you received I think or the council office should have received that fee is used predominantly for just about every type of application that we do. The difference in this case is that most of those applications are sent to property owners, utility account holders, neighborhood organizations

[inaudible]. The reason why we're suggesting lowering the fee that this is only for a hundred fee instead of 500 fee, the notice itself is much simpler. It's a single sheet of paper and perhaps not multi sheets of paper because we're not asking for people to send back in their comments on this, we're merely providing information that there is a short-term rental nearby them with a fee we're really only talking two lots away from them and a contact number of someone to call if there is an issue with that. In addition, the area that we're talking about is about 1/25 of the area that you would have for a regular notice going out 500 feet. And for those reasons we felt comfortable because we're only talking maybe about 12 notices on the average when you are looking at most of those short-term rentals are in a single-family setting and so if you notify 100 feet, an average single-family lot in austin is about 50 feet wide, you would be going two lots to the left, two to the right. The lots across the street because most lots are 60 feet of right-of-way and maybe the three lots that are behind, and those are the ones that would probably be receiving this notice. So that's why we felt comfortable. When we come back, as we smart and i, we were going to come back next year, we were looking at either sometime between april or may of next year and bring you kind of a report back. And if we feel that this fee is too low or it's too high, perhaps, we would actually come back and then make a recommendation to you of possible changes as we said we would when the ordinance was originally passed last august.

>> Tovo: I have a few followup questions about the fee -- the fee as you've provided here. I know that in june there were some new fees adopted. How long had the previous fees been in place?

>> I don't know the precise date, but I know that we've had two fee changes, i think, since the early '90s. I think our regular notification fee was about 165 and went up to 193. I believe the 193 fee has been around for several years. What I mean by that going probably at least back before 2008 at least. And then the most recent change was in june of this year.

>> Tovo: And so in june of this year the fees went from 193 up to 241. How long was the period of study that you took to develop the new fee?

>> Well, we worked with pfm to do fee analysis of not all our fees but a large number of fees and that went on for probably about a year of discussion with pfm leading up to that. Fees are a smaller component of our application for subdivision -- excuse me, site plan, zoning cases, building permits. So we look at that as not so much a difference of how much more does it take to do 500 feet versus 100 but really as a portion of time. Granted there's a smaller number of notices to be sent, there would be less amount of time. If there's a larger number of notices, it would take a larger portion of time to stuff envelopes, to make sure those get out in the mail, to create the map. Although there's no map associated with this particular -- or this particular notice, but it was looked at in that format of the increment of time it would take, staff time for those types of things.

>> Tovo: So it sounds like staff time, labor used to figure out the property owners, develop the maps, provide the notifications, that staff time is probably the most expensive component, not the --

>> in some cases you may have several thousand notices and that takes considerable amount of time or cost just on the postage itself. But yes, I would probably say the amount of time that is spent to create the labeling and processing of that is more expensive.

>> Tovo: And I think that's an important point. You know, I referred to tuesday to the concern i heard from a constituent at some point in the last year about notification fees and that they seemed higher to that person than common sense would dictate, and i think that's in part because in certain zoning cases you may not have very many neighbors and you are looking at the cost of stamps and say geez, why am I paying \$241 when it costs less than a dollar for a of this to mail it. I think it very important that we understand staff time is the most important component of notification fee. It took a year for the consultant to do the analysis, to make sure that the fees we were charging our customers adequately recouped the city's cost. Is that correct?

>> And the basis of those of those were based on notifying utility, property owners and going out 500 feet not what we're talking about being 100 feet and only to property owners.

>> Tovo: I understand the distinction and we're going to get to that because i have a question about that. It sounds like fee changes are not something that planning and development review undertakes very often. You described two fee changes in two decades?

>> Actually we'll be looking at our fees probably the year after next because the most important recommendation of the fee study is that my department go back and look at our fees every now and then, every couple of years and not wait. Before 90% of my fees had not changed since about 1993. And so that was probably the most significant recommendation that I'm taking to heart and so I'll probably be bringing back an analysis of fee schedules again shortly to you, another year or two and actually we're undertaking part 2 of our fee study this year to look at I guess you could say the other half of the fees that my department works with.

>> Tovo: And you said an analysis of the fee schedule. So I want to underscore that point, that there will not be arbitrary fee changes coming back to this council in a couple of years. There will be an analysis that proves up those fees and makes sure that they are warranted. So in the last two decades, there is been two fee changes. They happened as a result of some fairly substantial analysis in which a consultant was brought in to look at the services, to look at the city's real costs of performing these notifications, and only at that point did this council vote to increase the fees. So we're being asked today to contemplate a fee decrease upon which it seems to me there's been very little analysis in the same vein that our previous fee changes have triggered. And I understand, I know we've talked about it, it's a smaller radius, it's the smaller radius, it's a different notification, but still we don't have any data before us today to suggest that the city -- that we are certain the city is going to recover its costs for this notification and that concerns me. I am more comfortable with a provision in the resolution brought forward by councilmember morrison and riley and martinez that asks staff to consider it. Then at least we're making an informed decision based on some real data. And can be certain that the city is recovering its costs and is not in effect subsidizing a private business. Councilmember spelman, you look like you want to jump in.

>> Mayor Leffingwell: If you don't mind, I'll do the recognition. Councilmember spelman.

>> Spelman: I will suggest to the mayor that he go back to you.

>> Mayor Leffingwell: Say what?

>> Spelman: I'm not going to suggest anything yet. Hang on a he could is. I won't ask for certainty, but I will ask for likelihood. I'm not going to ask whether or not you are certain you are going to be able to make your money back on a \$50 fee, but do you think it's likely you are going to make your money back on a \$50 fee? Is that about what you expect costs to be?

>> I believe that's correct. Because we're only looking at a single fee. We weren't looking at all our fees. And looking at the amount of time that would be spent, we really thought it would only be a dozen notices that would go out. These are short-term rentals that we're talking about or most of them, the vast majority for single-family homes. If you were on a corner, you would actually probably be a fewer notices because then you have to take in the street right-of-ways that are there, a larger street. The width of the street may be 100 feet. There's no map associated with this and it's a single sheet that would go into an envelope that would be sent to adjacent property owners. Given the limited number of notices that would go out, limited to a single type of recipient of a notice, no utility customers or other organizations, we felt that that number was appropriate.

>> Spelman: The amount of staff time associated with finding houses within 100 feet is going to be a lot less than the amount of staff time associated with finding the number of addresses in 500 feet.

>> As we start mailing these out [inaudible] we've actually mailed any out at the moment, right? We would take a look at that and come back to you this april and give you a recommendation as to if we didn't think we were recovering our costs because the goal is only to recover the cost of that.

>> Spelman: It makes expense to believe it, we can prove it out, and if it turns out we are doing a disservice by only charging \$250 by \$241, we can fix it. Thanks.

>> Mayor Leffingwell: So it almost noon and we need to get a motion on the table or begin the process of setting out an alternate plan.

>> Spelman: I move approval of item 28.

>> Mayor Leffingwell: Motion by councilmember spelman to approve item 28, seconded by councilmember martinez. Councilmember tovo.

>> Tovo: With all due respect, I do have more questions from staff. I appreciate we're trying to best on, but I have more questions. I'm not sure what the plan is to effect that but --

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I certainly appreciate all your efforts to get me off the dais to deal with a family member going into surgery, but if we need to table this item, I can definitely come back because I'd like to hear councilmember tovo's questions. Can we table the item until 4:00?

>> Mayor Leffingwell: We will table -- if there's no objection, council will table this item until 4. Councilmember tovo.

>> Tovo: I didn't realize you would have to come back. We can press on.

>> Mayor Leffingwell: We could go another 10 or 15 minutes.

>> Cole: Because we still haven't done the resolution so I think we should table it.

>> Tovo: We may be able to get on. I'd like to try if that's of interest.

>> Mayor Leffingwell: All right. With that understanding, go ahead, councilmember tovo. With your additional questions.

>> Tovo: I'm going to make it --

>> Mayor Leffingwell: guernsey, brevity in your answers will be a virtue in this case.

>> Tovo: I'm going to try to make it quick. Tuesday we talked about the definition of property and whether or not the other fees that are noticed or referred to in code used that language. I understand from your chart that who is notified does vary a bit. What I'm asking is whether in the ordinance, the triggering ordinances the word property is used or if there's other language? And the up shot I'm wondering how we got from property, notifying property being the language in the ordinance to notifying only property owners.

>> Let me just speak very briefly. In 2008 we amended our ordinance because of the small -- well, wal-mart going in at northcross mall. At that time we -- most of our notice is done by interested parties. Interested parties on that ordinance originally addressed property owners. The notice -- notice owner

[inaudible] notice owner of property, the applicant and spoke to neighborhood organizations. We added utility account holders, utility addresses to that and increased the distance to 500 feet. So there is a distinction under interested parties. So if an ordinance spoke to interested parties, we would be notifying all of those groups. But in this case the ordinance that was approved did not reference interested parties either by section or by this name. Also I think if it would have referenced residences, we would have also -- or residence, we would have also noticed property owners you utility account holders within that distance. I understand talking with our legal staff and my staff it probably should have said property owner. That's why we only noticed the property owner in this case.

>> Tovo: Thanks. I think that's -- that sort of wraps it up. I'm just going to say by no means am I going to support this motion. I think it's entirely inappropriate to proceed in lowering the fees

when we have no analysis to support that the city is going to recover its costs. I think a more appropriate process would be to if it's approved use the provision in resolution 69 that asks staff to go forward and actually conduct some exploration so I think the appropriate move today would be to postpone item 28. Again, based on the information that staff has provided, this is without precedent to lower a fee or to make a fee change without data to support it and without an extensive process to analyze it. We do not change -- at the city we do not change fees, as far as I can tell, without having a substantial analysis and that's what we're doing here today. I want to highlight the fiscal note for this the \$286,000. In the last couple meetings we've talked about fiscal responsibility and you know whether it's appropriate to move forward with the sale of public land which would increase revenue and the discussion of fiscal responsibility came up in light of that, and here we are foregoing \$286,000 in lost revenue that we may need to recoup our costs of providing this service, and I think that's inappropriate and I think it comes -- if we are indeed subsidizing individuals who are renting out private property and profiting from it, then the city is in the business of subsidizing private enterprises and doing so at the cost of our other critical services in the city. So that's my piece.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Mayor, I just want to briefly say I guess we just have the fee item -- anyway, I'm going to make a comment just in general and that is, you know, we have appropriate processes in place as councilmember tovo said with regard to fees. We have appropriate processes in place for revising and relooking at rules, which is exactly what -- what the resolution is asking to circumvent. We have something in place that says we are going to look at the ordinance in the future a year from now. We even have staff having said we shouldn't mess with it right away. So in my view, taking steps today for 28 or 69 is reactionary and it raises serious concerns to me because during the very long, very hard conversation ABOUT STRs OFF TWO YEARS, When it came to a conclusion, I heard many, many assurances about how things were going to be enforced, we were going to be ensured, we were going to do things to protect the issues people had raised as concerns that were in opposition and as far as I'm concerned these are taking us on a path to weaken those assurances. There was an extensive amount of community dialogue that got us to that point. I would like to ask staff to assure us that now that we've heard from the short-term rental owners that don't like the way things are working right now, as we go forward with this investigation if in fact these pass, I would like to ask that you pull together the stakeholders, all the stakeholders to have discussions about what might be appropriate to come back with in your recommendation because as far as I know, all we've heard from right now in terms of coming up with these are the short-term rental owners, not the ones that -- not the people that we're concerned about short-term rentals in the first place. So I won't be supporting either motion that comes up. I believe it's just not the way we should be doing business in the city.

>> Mayor Leffingwell: All in favor of the motion say aye. Opposed say no. Passes on a vote of 5-2 on all three readings. With councilmember tovo and morrison voting no. Councilmember spelman.

>> Spelman: Move approval of item 69.

>> Mayor Leffingwell: Motion to approve the resolution in item 69 by councilmember spelman, seconded by councilmember martinez. Discussion? Councilmember tovo.

>> Tovo: I'm not supporting the motion. We talked about it on tuesday. We have as has been rusthoven stood before the body and asked not to consider any changes until we saw the ordinance in practice. But I would like to suggest the following friendly amendment. And I'll read it.

>> Mayor Leffingwell: One at a time, please.

>> Tovo: Identify mechanisms for monitoring compliance among short-term rentals. Identify mechanisms -- i have used the language of the ordinance -- resolution that's before us in making these considerations.

>> Mayor Leffingwell: Expect.

>> Tovo: Identify mechanisms for identifying compliance among short-term rentals.

>> Spelman: Would that be item 8 in the be it resolved?

>> Tovo: I would consider any numbering that makes sense.

>> Mayor Leffingwell: Councilmember martinez, accept?

>> Spelman: Forget that.

>> Mayor Leffingwell: Councilmember martinez does not accept.

>> Tovo: He has withdrawn.

>> Mayor Leffingwell: Go ahead next.

>> Tovo: Consider changing language in ordinance from properties to interested parties. To get at the discussion we just had who is noticed. I'll offer my rationale, i think it's equally important to notify tenants as it is to notify the property owners.

>> Spelman: I agree completely.

>> Mayor Leffingwell: Councilmember spelman accepts, councilmember martinez accepts. Okay.

>> Tovo: Okay. Consider adding -- consider adding a provision that disallows or limits short-term rentals in multi-family properties. Consider adding a provision that disallows or limits --

>> Mayor Leffingwell: I don't know what that means. Maybe councilmember spelman does.

>> Tovo: It means it's nondefinitive.

>> Spelman: It's certainly nondefinitive.

>> Tovo: It's just saying consider it.

>> Spelman: I feel like I'm on a quiz show. Yes, but in a moment I'm going to ask brandt or chad if there's any legal problems with these items. That seems fine to me.

>> Tovo: Thank you.

>> Mayor Leffingwell: I would just like to ask if that has any meaning whatsoever. From the law department. City attorney.

>> I think the resolution in item 69 is to go do a study of these particular issues. So my interpretation of the amendments that councilmember tovo is putting forward is that these are additional items that will be studied. So we're not changing anything, we're requesting that the staff go out and study these additional three or four or five or however many issues.

>> Mayor Leffingwell: Thank you. So that's accepted, councilmember spelman?

>> Spelman: Since chad is close by, let me ask him a question. I have no legal concerns about considering eliminating short-term rentals and multi-family dwellings. That seems like a perfectly reasonable policy issue. I am concerned about identifying mechanisms for monitoring a.d.a. Compliance. I want to make sure there's no legal issues associated with that.

>> Brent Lloyd may have additional comments and perhaps I should let him make all the comments.

>> Spelman: He's right here.

>> We previously discussed and short-term rentals and certainly the city's authority with respect to the a.d.a. is limited. However, as I would interpret the proposed language, it would be simply looking at whether there are mechanisms available for the city to determine whether properties are in compliance or not with those requirements that do apply. And that certainly falls well short of enforcement or any of the concerns that I've previously shared with council. So in short, I don't see any legal problems with it.

>> Spelman: Good. Thank you.

>> Mayor Leffingwell: Did you have another, councilmember?

>> Tovo: A couple more. Review and report on staff process for promoting compliance and their proactive enforcement of violations. This doesn't, you know, clearly they are looking at ways to promote compliance when we get back. My intent is when we get back having studied these other issues, I would like to hear what their progress has been for promoting compliance, but also

their proactive enforcement of violations and in particular how are they making sure that people who are not registered and who are renting out their homes are -- are being made to account for it. Are being held accountable.

>> Spelman: That's acceptable. I am -- it is occurring to me, though, that the number of friendly amendments you are making are approximately as long as the resolution itself. So at some future date may want to consider putting together your own short-term rental resolution, which i could vote for.

>> Mayor Leffingwell: Councilman spelman and martinez, do you accept that?

>> Tovo: I'll take that into account. I held off because I was following the staff's guidance that it was a little early to start tweaking the ordinance. Okay. And then my last, provide options for enabling enabled planning areas to modify facets of the existing ordinance. We have had a -- shall i offer rationale?

>> Spelman: Read it again, if you could.

>> Tovo: Provide options for neighborhood planning areas to modify facets of the existing ordinance.

>> Spelman: Giving rusthoven's comments at planning commission, i cannot accept that one.

>> Mayor Leffingwell: That is not accepted.

>> Tovo: Could I offer a rationale and ask for a veto?

>> Mayor Leffingwell: You can offer it as a straight amendment.

>> Tovo: I'd like to offer that as a straight amendment.

>> Mayor Leffingwell: Is there a second? Seconded by councilmember morrison.

>> Tovo: I would just say rusthove comments would apply to some of the ements before us today as well in that these are tweaking, you know, for example considering allowing short-term rental owners to rent out every room in their house is certainly a divergence from the ordinance on the action into. I would consider that to be a substantial tweak to the existing ordinance. And I don't think this is any different. This is allowing -- this is in recognition of that request that was brought forward by the hyde park neighborhood association that they be allowed to modify some of the elements. In this case it was modifying -- well, let's just say some of the elements. I don't think it's worth getting into the specifics. But what I'm asking staff to do is to look at whether there's a way for a neighborhood plan, neighborhood planning teams to look at the ordinance and to say it would work a little bit better for us under these circumstances and to provide those and, of course, they would go through a normal process. All I'm doing is asking staff to look at whether there's a way under existing ordinance to allow for some feedback. And the staff may come back and say no, there isn't, it would be logistically infeasible or difficult as staff did

tuesday, but i would like it to be a consideration that in the process of the study -- we have a resolution before us today that's saying staff, please go forward and look at these considerations which primary have been raised by short-term rental owners. And I'm asking that we put one in there that recognizes the neighbors and one of the concerns they would like addressed and reviewed by staff.

>> Mayor Leffingwell: All in favor of the proposed amendment? Councilmember spelman.

>> Spelman: I don't want to prolong this any longer than necessary, but your explanation, which sounds very reasonable, is different from what it is you proposed a moment ago. What you were proposing, the words you were proposing were something like provide a means by which neighborhoods could have different str ordinances, not consider providing examine the value of providing, examining the cost, that sort of thing. If you had phrased it consider instead of provide it would be easier to accept.

>> Tovo: Thank you. I will adjust my language so it is -- how about this. Consider options for enabling neighborhood planning areas to modify facets of the existing ordinance.

>> Spelman: That's acceptable.

>> Mayor Leffingwell: You are withdrawing your proposed amendment and for the purpose of -- friendly amendment?

>> Tovo: Yes.

>> Mayor Leffingwell: Is that okay with the second? So the amendment is withdrawn and the proposed friendly amendment has been accepted by councilmember spelman. Councilmember martinez, will you accept that?

>> Martinez: I will. One point. 69 Explicitly states that anything that is considered shall be to ensure better compliance and ease of enforcement. Obviously if any of these do not create better compliance or easier enforcement they should not be considered.

>> Mayor Leffingwell: Staff has the similar discretion. You can dispose hypothetically of any one of these. We have a motion modified by several friendly amendments. All in favor say aye. Opposed say no. Passes on a vote of 5-2 with councilmember tovo and morrison voting no. So thank you everyone for your indulgence and mayor pro tem will now be able to see to her family. We'll two to citizens communication. The first speaker is brian leonard. Brian leonard. Okay. We'll go to the next SPEAKER, will McLeod. will McLeod. No specified topic and you know what that means, there can be no discussion of any issues you raise.

>> All righty. Good evening. MY NAME IS will McLeod. I would like to play a video real quick. Actually a couple. Here's the first one.

[Inaudible] as opposed to jogging across the street but it may save your life. And that's a strong message people should think about especially as relates to roadways like i-35.

>> So far june has been the deadliest month on austin road. Carol nelson, news video klbj.

>> I've got a solution for that one. It is let's put our bus stops near intersections so people don't have to jay walk to catch the bus that won't stab because the bus driver doesn't feel like picking up passengers. That's a big problem in austin. If you want to solve the problem with people crossing the highway, 2 freeways and stuff like that, isn't that what we pay the texas department of public safety to do? Why aren't they doing their jobs? Why is it the city of austin's responsibility to overstep their jurisdiction? I just don't know that answer. Here comes the second video. Go ahead.

[Music playing]

>> let's look at the pictures why you think of what was going on there?

[Inaudible] [inaudible]

[music playing]

>> I think these folks are really desperate, a mob scene.

>> No way ever.

[Singing]

>> that's right, doggett, you can run but you can't hide. There's two contenders running against you this time. One is a former mayor of san marcos. And finally, kirk watson, staunch obama supporter. He said that on chris matthews on hard ball. He wants to raise our property taxes by 5 cents per hundred dollar valuation. That's a lot of money. Prop 1 is just -- I can't even say that on the air. It's so bad. Thank you.

[Applause]

>> Mayor Leffingwell: Next speaker is daniel white. Daniel white. And the topic is professionalism in city agencies.

>> Yes, I have been in communication with the city of austin legal department concerning open records requests of mine which versus not been satisfactorily responded to. And there are additional legal matters that I wish to bring to the attention of city attorney karen kinard, such information as the city has provided me under the open records act. And instead I made these requests to city attorney elaine nicholson and they were passed on and I got a letter in karen kinard concerning my outstanding lawn mower claim so I'm bringing my claim here. In august of 2010 i destroyed a lawn mower of mine mowing a piece of property on a pro bono basis on a piece of city owned equipment that was improperly installed. Specifically a utility -- austin water utility fire hydrant fire standoff pipe. Miss kinard has written me a letter one paragraph long that contains a remarkable set of factual misstates and colossal unprofessionalism.

>> Mayor Leffingwell: white, you are real close to the edge so keep your comments professional yourself.

>> Miss kinard in her letter stated that the -- I did not file my open records act in this case in a sufficient time. That's incorrect. I filed that open records act in september -- the 10th of december in 2010. And in her letter she says that the city claims investigator said that the claim should be denied. Funny, city investigator dick wells in an email on october 29, 2011, stated we may owe this claim if we can't explain why the city of austin failed to follow our own building code requirements for installing stand pipe installations, end quote. And, of course, the blueprints that I have that I'll be glad to share with you show the city did improperly install the stand pipe. It's also worth noting wells said this was a premises defect. That's been my argument all along and city legal has refused to address the defect. This is an open and shut case of defective city equipment on city property. So what has happened -- what happened instead was that claims investigator sheryl major stated that my claim should be denied under the texas tort claims act because the texas tort claims act --

[buzzer sounding] -- deals with motor vehicles. Funny a lawn moyer just because it has a gasoline motor and four wheels is not a motor vehicle.

>> Mayor Leffingwell: Time has expired. Thank you.

>> No questions about the other legal issues that i was trying to bring up --

>> Mayor Leffingwell: Our attorney is on the dais and she is taking note of the points you make. Alan roddy.

[Applause] alan roddy. Your topic is tejas cannon.

>> I'll start off by asking a question of council. How many of you all have ever been to the top of mount bonnell? Thank you. Back in 1939, sam houston williamson to the top and quoted as saying this must be the very spot where satan took our savior in 1010 and showed the riches of the world. Anyone who has been to the top of mount bonnell knows

[inaudible] overlooking the colorado river. To have sam houston make such a reference is truly profound. If, mount bonnell is just one segment of beautiful 24-mile along canyon that runs from zilker park, red bud island, the 360 bridge, all the way to steiner ranch and apache shores. This is austin's enchanted rock and palo dura canyon. It has been a sanctuary for wildlife. Austin's balcones rock cliff formation is a paradise for hundreds of bird species. Is there another city in texas that is blessed to have such a grand river and national treasure running through our urban center? The balcones canyonlands is another name -- the city to work with landowners to obtain conservation easements to protect this treasure. I know the city council has a long day ahead of you so I'll allow you a few moments to enjoy the view as part of our tejas canyon. Thank you.

>> Mayor Leffingwell: Thank you alan. Looks like the pilot is struggling a little bit here.

>> I trained a bird to carry that underneath the bridge here.

[Laughter]

>> Spelman: How did you take the pictures?

>> There's a gentleman here in town that has a remote controlled helicopter that flies up about 400 feet.

>> Mayor Leffingwell: That explains it.

>> Mayor Leffingwell: Thank you, allen.

>> Are there any questions?

>> Mayor Leffingwell: Thanks for the entertainment.

[Applause] nadler-olenick. Water fluoridation.

>> Good afternoon. I'll start with a document close to home. I just came across the -- the work order for -- that's not what I want. How can I start this? This is supposed to move. I came across the work order history for the water utility's fluoride operations for '09 to '10. When some of us toured the ulrich plant in summer 09 we were told despite the heavy corrosion we noted don't worry be happy, the operation is totally automated and therefore foolproof. This report shows otherwise revealing an ongoing series of problems with both pumps and gauges. True it can be attributed to routine industrial wear and tear, however, when the super corrosive e.p.a. Designated hazardous ways added to our drinking water eats away at the machinery, pump leaks endanger the workers in haz-mat suits while -- can lead to overfeeds in the public water supply affecting everyone. Plus if the chemical is corrosive enough to damage new regularly serviced equipment think what it's going to lead campaigning pipes in austin's older buildings. The pugh trust, one of a trio, that is their own slide, of immensely powerful bureaucracies along with the joined at the hip cda and ada that works feverishly to force fluoridation on the population by influencing local governments. Its effects can be felt in austin where a year ago doggett acting unofficially and without authority used the weight of her high level position at pew to pressure a city councilmember. More recently they've metaled heavily in the affairs of portland, oregon and wichita, kansas. WHILE MOST OF ADAs AND CDCs TALKING POINTS ARE Crafted by nameless bauer row democrats, few has a communication manager matt jacob in charge of its message. In recent presentations to -- for the dentist, lamented the failure of lobbyists to convince 100% of americans to embrace industrial waste in their drinking water. And I'm proud to say he gave fluoride free austin partial credit. Jacob admitted we the opposition will win talking about the real health harm fluoride causes unless his minions can distract the public with a brighter, happier message wheel. Get it back. I can't get that, but healthy teeth, attractive smiles and all the favorable consequences thereof. When we talk about those things --

[buzzer sounding] -- too. We want them for everyone -- the difference is we recognize that water fluoridation does absolutely nothing to achieve them. Thank you.

[Applause]

>> Mayor Leffingwell: Walter ole nick. Olenick. Same topic.

>> Good afternoon. I brought a few things to think about. Hydro floor reduce acid doesn't exist in nature. This man made chemical exists because the e.p.a. Will not allow mosaic's phosphate processing plant in mulberry, florida to emit toxic chlorine gas which is a by practiced of phosphate refining into the air from their smokestacks. If they did so, they would be fined and their operation shut down. Instead they treat the hot gases with water and silica remoing fluorine. Now they have a large volume of corrosive liquid which will not allow them to bump into the peace river or headache hancock because of the impact of this hazardous waste. Instead they pump it into tanker trucks and ship it to us and other municipalities that choose to floor date their drinking water. Austin water utility adds more than 4,000 pounds of this product to our treat water supply every single day. It is agreed that less than one percent of our total water supply is actually drunk while the remaining 99% used for all other purposes flows through our wastewater treatment plant and is discharged into the colorado river. In nearly 40 years that we floor dating our water that is 50 million pounds into the colorado river. If I wanted caught dumping one 55 gal drum into lady birth lake I'll be find and jailed. Meanwhile our city dumps 10 times that amount into the colorado river every single day. I find that very curious.

[Applause]

>> Mayor Leffingwell: Tom jones. Tom jones. Complaint against the law department.

>> Good afternoon, mayor and councilmembers. I appreciate being here. My name is tom jones. I spoke here a couple weeks ago before you all regarding a land use issue we're having. Last month my company celebrate its 17th anniversary building homes in a single subdivision in western travis county. We've been proud members of the texas real estate commission, members of the board of realtors and the texas capital area builders association as well as the chamber of commerce and provided real estate services in austin since 1979. Austin lake hills is plaid in three sections in the 1950s AND NOW HAS OVER 700 Homes and is growing each day. All homes have been supplied with electricity by the city of austin except recently the legal staff has capriciously declared this county subdivision is illegally platted and not entitled to city utilities. The staff then picks and chooses who they want to have utilities and who they don't which is illegal. There are several property owners including me affected by the lack of utility provisions and decreased property values brought on by the capri husband and arbitrary declaration austin lake hills two so illegally platted. We've discovered the city staff withheld evidence showing the sub gigs did receive a development permit and is indeed legal under state law but no one at the city wants to discuss this issue. Criminal complaints have been filed on both sides. No progress has been made towards the resolution for several years. The result has been the severe degradation of the subdivision, decay of a beautiful but vacant home with no access to utilities, loss of tax base, confusion and anger in the neighborhoods and the shattering of a thriving employer who was small but rye haven't part of our community. Legal fees have now run into the hundreds of thousands of dollars on both sides with no end in sight. This is what the legislature specifically barred when it passed local government 245 but the city stated on its website it does not like the law. This episode goes beyond sad and refretful. It's indeed frightening and reprehensible. That this conduct is allowed and condoned by a government body planning to represent the people and defend the constitution of the united states. Our civil rights

have been severely violated. I'm no longer able to afford an attorney and the court whose judges are hired and fired by you refuse to appoint one on my behalf. I've tried to talk with each of you individually over the past few weeks regarding this important issue and Riley, you have proposed a binding arbitration process to settle the issue which I concur will be the best way to settle this debacle. My request today is that the council approve the arbitration process and allow this unfortunate scar upon the city to be finally and effectively healed. We will abide by any decision by an independent arbitration agency and will expect this city to do the same.

[Buzzer sounding] I believe the simple director to the city manager will initiate the process and I will participate diligently and directly in any resolution the arbitrator would award. I would like your feedback on this proposal.

>> Mayor Leffingwell: Thank you. All right.

[Applause] the next speaker is Una Merkel Rojas. And the topic is Austin energy policy's variance. You have three minutes.

>> Good afternoon. I am Una Rojas. I live in Austin and I love living in Austin. I plan to retire here. I live in an area which is easily accessible to many of the amenities required for me, however I need to have repairs and adjustments made to my home and

[Indiscernible]. I need to have an adequate and safe living space for myself as I retire so that I may be able to function adequately. Flores will speak and address the issues involved. Thank you.

>> Good afternoon, councilmembers. My name is Mario Jesus Flores --

>> Mayor Leffingwell: Flores, according to our rules you can't donate time in citizens communication. I don't know if you knew that. Miss Rojas is entitled to her three minutes, but in this case if there is no objection by council you can finish out her three minutes. I just want to make that point for anybody who might be listening. You are not supposed to do it that way. Go ahead.

>> I just want to provide a quick overview. That's all I want to do. If there is no objection, then I will continue to do so. Basically what we have is we have Miss Merkel's property -- there's an undue hardship. She's on the corner of 25th and Barrow. 45th Street has been expanded many times. With the expansion so has the utility poles have been moved various times as well. At some point Austin Energy moved the utility pole and just took upon itself a prescriptive easement on the property. My client currently intends to expand her property. Sheriff's departments to rebuild and enhance her existing structure but can't do so. She's gotten preliminary plans approved by the planning -- by -- excuse me, city staff, the zoning department, and -- but now they are saying if she continues with her plans, they are going to be rejected. All we're trying to do is figure out a way of how the councilmembers could assist us in maybe looking into some type of variance or ordinance amendment to permit this type of -- the development that she is specifically requesting. The real issue we're talking about is a 4-foot encroachment into some setbacks. At one point she was informed that these setbacks were not an issue. Second step of

reviewing, now they are saying this is an issue. This is causing significant expense to my client. She will have to go back and redevelop her plans because of misinformation by someone. I don't know if there was a miscommunication or interpretation of osha guidelines. All we're asking for is some type of accommodation, some type of indulgence in allowing us to figure out how we can get her project to come to fruition. We -- the electric utility commission suggested that we pursue this route and that's all we're taking. So we would respectfully request some type of indulgence of year time to allow us to see how we can make sure her project comes to fruition.

>> Spelman: Your client lives on the southwest corner of barrow and 45th street is this.

>> Correct.

>> Spelman: I used to live on the southeast corner right across the street. Right across barrow. If you could contact my office, I know the area extremely well. Contact my office, we'll see what we can do. If..

>> Thank you.

>> Mayor Leffingwell: There you go. Councilmember martinez.

>> Martinez: And likewise, my staff is coming out to get more information from you all. We're happy to look into this and see if there is anything that can be done. They will be right out.

>> Thank you very much.

>> Mayor Leffingwell: Councilmember tovo also.

>> Tovo: My staff has been looking into this issue and I see some austin energy staff here. It's my understanding, i just want to clarify, we're not talking about set action bard, we're talking proximity to the recovery the overhead lines. It's the clearance. One of the reasons I was glad you were coming down maybe our city manager or some of our other staff have some other suggestions for you, but we don't have a process for providing variances through any of our boards and commissions for clearances with regard to overhead lines because that's a safety issue. I see mr. vice here. I don't know if you want to address this.

>> Good afternoon, mayor and council. Jeff vice, government relation, austin energy. We would be happy to provide all of council a memo summarizing miss rojas's case. I mention that because we are currently working through the legal department with her attorney, mr. flores, on this case. It been a long time and it definitely has to deal with line clearance and setback issues and the national electric safety code, not really an osha occurrence, but again we're happy to provide you with the information as to the meetings that we've had and the latest request for information which has to do with a cost estimate for relocating the lines, which, again, previously the discussion was burying the lines. Both of those kind of steps would involve the residents funding those activities. The nature of how we do that and that's been sort of a point of contention.

>> Tovo: That would be very helpful. And if you would address the other point that -- I think flores raised, which is the expansion of the street over time. I think I heard a comment about the expansion of the street.

>> We'll ask staff -- assuming that's fine with legal, to discuss the easement issue.

>> Tovo: Thank you.

>> Mayor Leffingwell: Thank you.

[Applause] carlos leon. And two topics, chem trails resubstituted and the beast has got to go.

>> I'm here to speak for what's right. Over the past two weeks chem trails have unfortunately reappeared in austin skies once again on at least five different days including this morning. Unlike con trails, chem trails have shown to poison our air, land and water. Chem trails, which are part of a larger geo engineering agenda, appear benign but are not. They are over our heads but shouldn't be. Therefore t explicitly contradictory. Like barack obama. He says he's a christian but supports planned parenthood which doesn't do mammograms but is an abortion clinic where the most innocent, help less and defensesness human beings are brutally murdered in cold blood. He says he's a christian but com has worn a ring on his ring on his left finger. According to mark gabrielle, , quote, christians never use that statement. By wearing the jewelry, a person communicates that alah is in control of all circumstances. That alah controls you. That alah is the one and only one. Obama says he's a u.s. Constitution expert, but he seems to be doing everything he can to destroy the protections afforded to us citizens by the document that the founding fathers created and grow the federal government instead of limiting it. Barack says he is important in hawaii but the cold case posse and israeli defense website have each independently investigated and determined his long form birth certificate issue by the white house is a forgery. Further both barack and michelle have called kenya his home country. If he was born in kenya, then he is ineligible to be president of the united states making the last four years of his acting presidency illegitimate, requiring everything he or his robo signer put into law be repealed obama care, the mandate so their workers can sexually molest boys and girls and sexual assault men and women on a daily basis throughout our country. Stop the chem trails. Stop the insanity. Remove obama from office of the get right with god. Thank you.

[Applause]

>> Mayor Leffingwell: Those are all the speakers that we have signed up to speak in citizens communication who are here. So the city council will now go into closed session to take up three items pursuant 071 of the government code. Council will consult with legal counsel regarding the following three items, 79: Related to open government. 80, Related to property and personal injury claim in jasmine ramirez, item 96, legal issues related to the annexation of the circuit of the americas, hearing no objection going into executive session on these items, council will now go into executive session. Practice passes on a vote of 6-0 with the mayor pro tem off the item. Item 64, which was pulled by councilmember tovo, the question resolved. Entertain a motion.

>>

>> Tovo: So moved.

>> Mayor Leffingwell: Seconded by expect. Motion passes on a vote of 7-0. -- A vote of 6-0. With that we'll go to zoning consent items.

>> Thank you. Let me walk through our items we can offer for consent at this time. Item number 81 case number c 14-2012-0095 for the property at 13427 pond springs road, this is ready for second and third reading. Item 82, this is for the heritage hills/windsor hills combined neighborhood planning area. This would change the future land use map. The commission's recommendation grant high density single-family land use and this is ready for consent approval on all three readings. Item 83, c 14-2012-0064 for that same property to rezone to multi-family residence, low density neighborhood plan, combined district zoning. The recommendation was to grant townhouse condominium residence, neighborhood plan and this is ready for consent approval all three rea. Item 84 for the property at 135 west slaughter lane, staff is requesting a postponement of this item to your december 13 agenda. 01, this is a discussion discussion item as well as item 86 for a zoning change. Next item for consent is item 87 for property located at 8721 manchaca rod. The recommendation was to grant go-co and this is ready for consent approval on all three readings. Item number 88, c 14-2012-0090, for the property located at 624 ralph ablanedo to zone to industrial park, the zoning and planning commission recommendation grant ip-co combiing district zoning. Ready for consent on all three readings. Item 89, c 14-2012-0099 for the property located at 6810 McKNEEL DRIVE. The zoning and platting commission actually postponed this item again so on your agenda they have it listed as october 16, 2012. It's been postponed to november 6, 2012. Therefore staff is requesting a postponement of this item to your november 8th agenda. That's item number 89, p to NOVEMBER 8th. Item 90 for the property located at 1142 lost creek boulevard, this is to rezone to multi-family residence, limited density or mf 1 district zoning. The recommendation was to grant mult residence, limited density, conditional overlay. The neighborhood and applicant have come to an agreement and we can offer for consent. Item 91 will be a discussion item. Item 92, for the property 905 banyon street, tod-np, the recommendation was to grant transit oriented development, neighborhood plan or tod-np combining district zoning. This is ready for consent approval on all three readings. I understand the owner is in agreement to add an additional condition to their property and that we've discussed with law department and I'll read that into the record and i think we can still offer this as a consent item. That would be to add for houses that are not accessed from an alley, the garage door face shall be no closer to the street than the front plane of the house. The front plane will be defined as the porch or any living area of the house as the case may be in no event either the front plane or the front porch or garage daughter face be closer than 5 feet minimum setback line and I can offer this for consent on all three reading. That ends the items I can offer for consent at this time.

>> Mayor Leffingwell: The zoning consent agenda is to close the public hearing and approve item 81 on second and third reading. That's already closed. To close the public hearing and approve on all three readings items 82 and 83. Postpone item 84 until DECEMBER 13th. To close the public hearing and approve on all three readings item 87, 88. Postpone item 89. UNTIL NOVEMBER 18th.

>> Mayor, that's november 8.

>> Mayor Leffingwell: 8th. Okay, I stand corrected. Postpone item 89 until NOVEMBER 8th. To approve on consent item number 90 and close the public hearing. And to close the public hearing and approve item 92 on all three readings.

>> With the additional language.

>> Mayor Leffingwell: With the very complex setback language that you read into the record. Councilmember spelman.

>> Spelman: Move approval of the consent agenda as you read it, but I do have a question.

>> Mayor Leffingwell: Motion by councilmember spelman to approve, seconded by councilmember riley. Councilmember spelman.

>> Spelman: 90 Aobserved as an ordinance. Shredding for all three readings?

>> That is correct. And my understanding there is a private agreement between the applicant and the neighborhood association regarding additional requirements [inaudible]

>> Spelman: There is ordinance which needs to be amend 9 and it does require three readings, does it not?

>> This is a zoning change and there is an ordinance for three readings.

>> Spelman: Good.

>> Mayor Leffingwell: Thank you for the correction. Further discussion? All in favor? Passes on a vote of 6-0 with the mayor pro tem off the dais. I think we'll go back to our regular order and come back. How many cases do we have for discussion here?

>> Under zoning you actually have three cases. Two are related. It a neighborhood plan amendment. And a zoning change.

>> Mayor Leffingwell: We'll come back to those. So we'll go back to item 74, 75 and 76, which require the specific language. I guess we can read the same language and approve 74, 75 and 76 together? Okay. I'll entertain a motion to authorize the use of the power of eminent domain to acquire the properties set forth and described in the agenda of the current meeting for the public uses described therein. The vote will apply to all units of the property and that is item 74, 75 and 76 to be condemned. Is there a motions?

>> So moved.

>> Mayor Leffingwell: Councilmember spelman so moved, seconded by councilmember martinez. All in favor? Opposed? Passes 6-0 with mayor pro tem cole off the dais. So now council will go to items -- will consider items 3, 4, 5 and 6 together. For purposes of public comment and questions from staff. They are all related, airport franchise items. And we will vote

on them separately. So you understand when i call your name, you are speaking on all four of these items. Any one or all four. Paul saldano. Paul saldano here? Not here. I'll call mayor gus garcia. Would you like to speak, mayor, go ahead. You have three minutes.

>> Thank you, mayor. And the person that has this item has granted me her minutes so I have six minutes.

>> Mayor Leffingwell: Okay. Do you know the name?

>> Coronado.

>> Mayor Leffingwell: Okay. So you have six minutes. Esther coronado donating time. Is she here? She's here. The reason I wanted to take a little extra time, mayor, is to give a little history of this particular issue. I try to meet with jim smith about this issue because i figure that he needed to get that kind of background, but I emailed him and he emailed me back that under the prohibitions for lobbying that I was not able to meet with him. I have a lot of respect for jim when I was the council. He was a great administrator. And I could understand it and I honored his request of not meeting with him. But let me say that I'm not here as a registered lobbyist. I'm actually here helping a fellow -- I'm working for a fellow that used to work for me. Greg saldana had a lobby permit and paul asked me to come and help with this particular issue so here i am. Here is the ground. None of you -- and I'm going into detail because none of you were on the council when we passed the bonds for the airport. And during that election, people in precinct 4, county commission precinct 4 and some of those leaders told me they were not going to vote for the airport bonds because, quote unquote, you all were dumping this thing in our neighborhood. I explained to them that this airport was necessary, that other airport that we had was in the downtown area and this was a better site, it was going to be bigger, it was bigger and had more opportunities for doing things the right way, longer runways. And we were going to have good m.b.e./w.b.e. Opportunities. The response was that's what they tell you right now. Wait till the bonds pass and they will wipe you out. And sure enough we started the airport construction and the contractors, the minority contractors who had gotten contract came to see me. They were not getting any contract. But the staff had selected larger, more -- more experienced firms. So I told paul, I said why don't you ask the project manager at the airport and the consultants to come to my office. I need to talk to them. But I can give some background, some history of what commitments we made to the community. Well, we had that meeting and they backed off and those minority contractors got their contract. Well, it seems to me that we're reliving that history again. Here it is almost 20 years ago, you know, going through similar processes where a minority contractor, dba contractor that operates there, is being bumped off, okay? Because whatever reason, you know. And the concern that I have is what happened to the commitment that the city made to the minority contractors to protect their interests so that they could be business people at the airport. You know, we worked very hard to make sure that we honored that commitment back then. But now it seems to have disappeared and I find -- and I'm here, like I say, helping. I don't know if I'm a lobbyist, I'm not registered as one, but I told paul, i need to explain to council, when we approved this, the only one councilmember spelman, he had gotten elected in '97 and in november we approved the first contract for miss coronado. So the question is what is the current commitment that this council has to dba and MBEs AS THE AIRPORT. You are not the only one involved in this one. The department of transportation is involved too

because they also made a commitment at the time we approved this in november of 1997. It will be 15 years next month that we approved the first contract. So my request to you is look at what commitments the city made to remain true to the proposition that minorities were going to have a fair and equitable chance to have contract at the airportment and for that matter in the the is. But this one pertains to the airport because the commitment that was made was followed the passage of the bonds to build the airport. And that -- that's my message to you. You know, I would hate to have this city, which I love tremendously and I've been here for 50 some odd years, you know, betray the community and go back on the bond to get the airport. That's the message that i have that I want this city to remain true to its commitment and that was a very sacred commitment that we made, you know, back in THE 90s AND AGAIN IN '97 When we approved the first contract with miss coronado. I'd be glad to answer any questions. If anybody has any.

>> Mayor Leffingwell: Does anyone have questions? Thank you, mayor.

>> Thank you very much, mayor.

>> Mayor Leffingwell: Paul saldana. Donating time is steve villega. Carol hadnot. Coreena --

>> she had to leave, mayor.

>> Mayor Leffingwell: So you have nine minutes.

>> And I have a handout i think shirley may have disseminated. Let me start with that. Earlier this week you received an email from the trade association alliance and we have a letter that's signed by the minority trade association alliance. So I'd like to maybe start with that and I want to specifically get to some of the issues that former mayor garcia was talking about. And coincidentally, in 1997, november 19, 1997, when the COUNCIL APPROVED FOUR DBEs And they are harlan's barbecue listed as dbe african-american. Unity em's listed female, armadillo cafe, listed as female hispanic. At the time council approved those items, they were specifically for dbe participation and made specific reference to ethnic in gender. As the alliance pointed out in their letter, because the city of austin received federal funds, they made a commitment to the department of transportation to follow the dbe program and that's on the city's smbr website. And one of the things it talks about is to ensure that there's nondiscrimination in the award of administrative contracts, specifically the concession contract at the airport. The city goes on to make several commitments not only to the community but to the department of justice. And the dbe program is very clear and the department of justice -- department of transportation is very clear that if these commitments are not followed, then that constitutes a violation of the commitment and you run the risk of forfeiting your federal funds. So getting to the items that are before you here today, items 3, 4, 5 and 6, if you look in your backup, there's no backup other than the rca. There's no dbe goals clearly stated in any of the backup materials, none of the agenda items provide any compliance plans or details required this the utilization of dbe's in each of the proposed action items. What we mean specifically where are the names of the bbe's, the proposed dollar amount, the proposed percentages for each of the dbe's participating. None of these agenda items offer history of the utilization performance to date, on the concession contracts. Again, names of dbe's, dollar amounts to date. None of the agenda items provide a history of the race conscious participation which is certainly allowed in your db

program and specifically speaks to that. If you're going to replace an african-american woman, you should replace her with an african-american woman. In this case talking about esther coronado. They are replacing her but not with a like kind. rules specifically speak to that. None of the agenda items make reference to the evaluation criteria used to determine or quantify staff's recommendation. It's my understanding a solicitation went out. These items are being presented to you as amendments to existing contracts. Where's the evaluation criteria that evaluated how staff arrives at these particular recommendations. I think one of the things you probably already heard from jim smith and his staff is we have performance issues. None of the agenda items are for any standard criteria used by the city of austin to quantify the potential replacement of any of our all concessionaires. How do we ensure this process is not subjective, that somebody may have it out for one of the concessionaires. If we're going to reference performance issues, let's put all the performance issues on the table and do a side by side comparison to ensure that process is not subjective, but more importantly that it's fair and impartial. And I think really that is essentially the crux of our issue. As mayor garcia pointed out, obviously to try and make sure we're not violating the anti-lobbying provisions is one of the reasons we're here today, so I think at this point our request would be that staff address the issues that we raised, that were presented to you. I'm not sure whether or not your offices have received response to the memo submitted by the minority trade association alliance, but I think at minimum before this contract or any of these contracts move forward, that we should at least have an opportunity to receive a response from city staff. I'd be happy to answer any questions you may have.

>> Mayor Leffingwell: Questions? I will ask a question of the city attorney. And that question would be saldana's suggestion that if we had an african-american woman proprietor with a franchise, we would have to replace that person with an african-american woman.

>> Mayor, I'm going to ask the lawyers who work on these issues. Let's see, I see cindy crosby and suzanna carbohall, who is the lawyer who advises the airport, maybe to come down and --

>> Mayor Leffingwell: My thought is is this -- is this quota, would this be illegal?

>> Cindy crosby with the legal department. I understand that staff has written a response to the austin minority trade association alliance and there was a memo that was issued, and the issues that were raised were all answered in this memo that was distributed to mayor and council and it was also sent to the alliance. In regards to whether or not program requires a like kind substitution, we did not find a specific requirement that makes the city substitute an african-american female for, for example, with the same like kind. And that as long as they are, they could be replaced. That doesn't require the like kind.

>> Spelman: May I follow up for a second?

>> Mayor Leffingwell: Councilmember tovo has a question.

>> Tovo: I want to clarify. I believe our office received this response yesterday. I'm not sure that the minority contractors association have received it. saldana, did you receive a copy?

>> No, councilmember, this is the first time hearing there's a response.

>> Tovo: I have a duplicate copy so I'm going to come bring it to you.

>> Mayor Leffingwell: And go ahead, mr. saldana.

>> What I was going to do actually I'm looking for the section of the d.b.e. Program that talks about substitutions and compliance plans, if I can find it here. Okay. And I don't know if the attorney or city staff have anything in front of them, but basically it's page -- section f, page 10 of the city's d.b.e. program. Good faith efforts when a is replaced on a contract, the city will require a contractor to make good faith efforts to that is terminated for good cause. It goes on, with another to the extent needed to meet the goal. So again, that mirrors the city's program. And when the council originally approved these contracts back on november 19, 1997, and I'll be happy to distribute copies, the posting language, the agenda item specifically references hair listen's barbecue as the and annie's as the female owned, wok and roll and miss car coronado as the hispanic.

>> Mayor Leffingwell: Thank you. Next speaker is clay dafoe. And is francis comaho here? Okay. You have three minutes.

>> Thank you, city council. We're looking at items 3 through 6 under the department here subtitle aviation. Basically in a nutshell this is the authorized negotiation and execution of amendments to concession lease agreements with lone star dreams. Not anymore. Brazos and the chinese food place. First off, our airport is owned by the city. It's publicly owned. I know you guys are doing special contracts with certain businesses, unfortunately you know, because we have representative government, afternoon citizens usually aren't able to give much input on these negotiations. I mean, here I'm giving input, but as far as negotiating the actual contract, the citizens don't get to. Maybe I believe too in freedom and the ingenuity of the american people but i think we should allow everyone to have a business in there. I can be a concessionaire, why don't I cook up on my stove and brew coffee and sell it to somebody in the airport. I don't see anything wrong with that. Unfortunately our governments have become too closed minded. I have great respect for saldana and all the work he does, but I have to say asking for an african-american business to replace an african-american business or a white business to replace a white business or hispanic business to replace an hispanic business amounts to nothing more than a racial quota. And I think martin luther said it right when he said we need to judge people not by the color of their skin but by the content of their character, ladies and gentlemen. Unfortunately our society has gone well beyond what , our great hero who was unfortunately assassinated said. We should heed that advice and heed the word of the natural market with our founding fathers were largely advocating back when they were around. So break these chains. We don't need any more government regulation or government contracts. We have a public airport. Anyone that can do business there and qualify doing a business and handle and compete should be able to compete. No more give-aways, no more contracts, no more special deals, city council. Thank you for your time.

>> Mayor Leffingwell: Okay. Pete winsted. William, you have three minutes. And council, when we go to consider these items, we can take all together or however many you desire. You can take 1, 2, 3, 4 or all together in the motion.

>> Mayor and council, pete winsted. Very pleased to be here. Very quickly, seeing mayor garcia here takes me back to 1998 when the airport was being put together. It was interesting times. fight and we redid it in front of the council. It was horrible to watch, but the outcome was great as far as we're concerned. I've been representing delaware north corporation at the airport since 1998 and I would say to you we opened at the airport on time and under budget. No one else frankly did. SOME OF THE D.B.E.s ARE A Year longer to get finished. That was okay with us. Let me tell you now that we're at a critical time. , was put out and the only people I willable to bid were incumbents in good standing. Esther coronado was not in good standing. She's received a notice of default from the city under her lease or concession at the airport. We bid on that space and I'm proud to say the entity that was picked to go in there was hoooverer alexander, fried chicken and healthy food choices. An african-american owned business and we very proud to have him as part of our team. Now, we also bid in that space amy's ice cream, a second location, with kolaches and is scream. We put her in the mix. Another exciting concept we make up with, chez z. Iconic brand in austin. It's a great organization owned by sharon watkins who bailed that company out and saved it. We're very proud of her. The other one we had is an austin macc store owned by an indian. We have apple products in the deal. That was accepted this this proposal. A new kind of computerized concept for coffee that is above my pay grade or skill level to order coffee. Having said all that, we were very disappointed with the outcome when chez z did not make the cut. Sharon watt continue was very disappointed and amy's ice cream was disappointed. They have been this the airport since inception. We were very disappointed with all that but we've accepted the outcome of a very thorough process by jim smith and stephanie and others in the abia team for the r.f.p. process. We're going to work on bringing chez z in at a later date. Let me thank you for approving the airport infrastructure, item 13. It's very important, with my chamber hat on, I want to hang you. Also I sit on the waller creek conservancy board.

[Buzzer sounding] thank you. That was an amazing process. We're here. We like the process. Please do not redo it from the dais.

>> Mayor Leffingwell: Thank you. Terry mollum. Correct my pronunciation if you need to.

>> Thank you, mayor, city councilmembers. My name is terry mollum. I am the operator of delaware north companies, brazos concession and austin retail group. We've been at the airport since 1999 when it opened. We opened on time. We were under budget. And over the years we spent probably upwards of \$4 million of improvements to our current facilities. We have never been in default. We have brought some of the top local brands to the airport. We support austin music. Back in '99 when the airport opened, we had one live music performance in one venue. Today we have 15 in five diffe supporting all local musicians. You know, this most recent , we were disappoint that chez z and amy's was not selected. We support the airport staff recommendation to move forward and bottom line we're committed to making austin airport a world class airport. Thank you.

>> Mayor Leffingwell: Thank you. Those are all the speakers that I have signed up that want to speak. So I'll entertain a motion on essentially 3, 4, 5 and 6. Councilmember spelman.

>> Spelman: I think it's going to get complicated, but I think we need to put a motion on the table. Let me put on the table approval of 3, 4, 5, 6 all together.

>> Mayor Leffingwell: Motion by councilmember spelman. Second? Seconded by councilmember riley. Discussion? Councilmember spelman.

>> Spelman: Somebody can speak for the airport. The question I have is the nature of miss coronado -- why is it miss coronado was not invited back to the party and what was the nature of the documentation given to her as to why that was true?

>> To provide a little context, going back to 2008, that was the last time the airport came before you talking about extension of concession agreements. The original contracts that the concessionaires had -- we came in 2008 with a recommendation to extend all existing contracts at the airport including esther coronado's, if they met certain criteria. One of which was a new capital investment of \$100 per square foot, new signage requirements, stay in good standing in terms of paying bills and maintaining the property appropriately. If he could this meet those four criteria, we were going to give them an extension of their lease. At the same time we had talked with council at the time of trying to draw 2017 as outside limit of all of these leases because we want the whole airport concession program to be up in 2017 so the city council at that time could take a fresh look at how it wanted to approach concessions at the airport. So given that setup, going back to 2008, we worked with all concessionaires to meet that criteria which is council adopted in authorizing those extension. It ended up dragging on for about three years because there was a lot of difficulty complying with those requirements, especially by the three minority concessionaires, aunty em's, waterloo ice house and wok and roll. We gave them essentially three more years beyond the 2008 when council authorized it to try to work those issues out. In 2011 we finally got to the point we had to say, okay, you have not met these criteria after three years of trying. We are not going to renew your leases and we're going to do a new solicitation to fill your spaces. Then after we issued that, and that was a formal notice that all those concessionaires got at that point that we were not going to extend their leases, we then agreed that we would continue to work with them and if they could meet all the criteria before we did the solicitation, they would be eligible to participate in the solicitation. And to that degree wok and roll and aunty em's qualified to participate. Waterloo did not meet the criteria to participate in the solicitation and ultimately in april of this year we formally terminated waterloo's lease at the airport, gave them 90 days notice. And the only reason they are still operating is because there's a clause in the contract that was put in in 1999 which until the city council picks somebody to replace them that they have the ability to stay on and operate. So they are really on a day to day lease, so to speak, in terms of operation until the council ultimately picks somebody to replace them. The bottom line wok and roll and aunty em's did make it. Waterloo was the only one that couldn't get there. And through a series of -- to answer your specific question, we had an audit that we were unable to provide sufficient documentation to clear their audit on what their gross proceeds were they are in almost a constant state of default on a monthly basis paying their bills and they've had significant maintenance problems that were substantial that had to be corrected.

>> Spelman: Remind me again of those four requirements that you made three years ago on all -- all concessionaires in the airport?

>> All concessionaires who wanted the extension of the lease. One was a capital investment requirement of \$100 per square foot. Signage improvements. No defaults. Maintain the property.

>> Spelman: And maintain the property. And in what respects did Waterloo not -- not abide by those requirements?

>> Well, ultimately it was the default issue by one not paying their bills and failure to provide an audit.

>> Spelman: Okay, so implicit the failing -- is that another separate requirement, you have to audit?

>> No, it just all kind of falls into the default issue of having difficulty dealing with them financially to pay the bills.

>> Spelman: They did the other three, maintained the property, provided change of signage --

>> they've never done the capital investment.

>> Spelman: Oh, they haven't done the capital investment either. All the other concessionaires who are asking for extension did all of those things.

>> They didn't do the capital investments either. All they did was provide documentation they have the financing to do the capital investment, which we allowed them to participate in the solicitation as a result of that.

>> Spelman: Is there some specific time by which the capital investment has to be completed?

>> That will go into their new contracts. We will give them a drop dead date in order to do that.

>> Spelman: Did Waterloo attempt to get financing to do capital investments sometime in the future?

>> I'd have to check with our staff to find out what the extent of those discussions were.

>> Spelman: But they were in default by that point and the question was moot.

>> They've been in default most of the time. Time.

>> Spelman: And my guess is they've documentation -- that you had concerns about this early on. Can you speak to how long ago, how frequently they were notified?

>> Well, I don't have all of them, but you authorized -- the council authorized the extensions in July '08. May of 2009 they got written notice. July of 2009 we had a meeting and correspondence. October 2009 we had a meeting and correspondence. October 21 we had another meeting with Miss Coronado. All the way up to April 29, 2011, when they got the letter

stating due to deferred maintenance and failure to cure their defaults we were not going to extend their lease and they've been this default several times since then.

>> Spelman: What was the date on that notification?

>> April 29th of 2011 they were notified they were not gooding to get the lease extension. In april 2012 they got a letter of termination.

>> Spelman: Okie-doke. I have a legal question also if I could. If anybody has another question for jim, I'll yield the floor. I have a legal question. saldana was suggesting if the terms of our deal more or less with the federal government are if we have an hispanic female business and they default or for whatever reason they are no longer a concessionaire at the airport, they must be replaced by an hispanic female business. Like must be replaced by like. I wondered if you could speak to that.

>> Cindy crosby with the legal department again want and the requirement under the cfr require replacement and good faith effort. Not necessarily with a like.

>> Spelman: Okay. Suppose we -- now, we do have requirements on -- they are broken down, not just D.B.E.s BUT AN African-american requirement, hispanic requirement, we have a women requirement. Do we not?

>> There are goals and maybe smbr can address those specific numbers, but there are goals per specific ethnic group and gender.

>> Spelman: These are requirements, a just going the try and hit if we can.

>> These are numbers based on availability study and what is available in the marketplace, and those numbers are submitted to the federal government every three years on the federal program.

>> Spelman: Presumption if this is a level playing and same access we're going to get 12% hispanic businesses or whatever the number turns out to be. Is that accurate?

>> Yes.

>> Spelman: If somebody else want to say something else.

>> I wanted to clarify for our own program we have them broken down by ethnic and women group. For the federal program it is a d.b.e.

>> Spelman: Are we meeting our hispanic goals?

>> For this particular contract?

>> Spelman: For concessions in the airport.

>> For the concessions a d.b.e. goal is set. That includes hispanic, african-american, asian-american as well as women. This particular contract they -- the goal for this reporting period to the federal government is set at 14% and they are meeting that goal. For fiscal year 2011, the participation was 21% -- i apologize, at 28%.

>> Spelman: So the d.b.e. Goal is 14. The d.b.e. -- overall d.b.e. Number is 28. So we're doing very well with respect to disadvantaged businesses in concessions at the airport. You were saying we broke that down by african-american and hispanic and women. Is that correct?

>> I was trying to clarify that we actually do not break it down for the federal program. The federal program has a goal only. For our local program it is broken down by ethnic group.

>> Spelman: Our deal with the federal government we're going to hit 14 and we're doing 28. The deal with the federal government that if for example waterloo leaves, it does not have to be replaced by aen spatic female business. We're at 28 and replacing with a like business instead.

>> That is correct. The federal program requires us to look for another d.b.e.

>> Spelman: Right. And that's the good faith effort and we've done that so we're square with the cost if we say yes on these items. What's the role of the local goals. We don't have to report to the federal government but we are already set local goals, have we not?

>> We have not set local goals on these projects. These projects because they are at the airport, we only set a d.b.e. goal.

>> Spelman: Now, for construction contracts for example at the airport, we have local goals and we try and meet those. Require good faith efforts of contractors to meet them. We don't have those goals for concessionaires.

>> For construction project at the airport, it would depend on the funding. It's all tied back to the funding. Anything that is funded by federal transportation dollars, we will be looking at setting a d.b.e. goal. If we're using city funding, then we would be looking at goal and those would be broken down to ethnic specific.

>> Spelman: This is federal money, therefore we're playing by federal rules.

>> That is correct.

>> Spelman: Thanks.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I'm glad councilmember spelman went down this line of questions. Are we applying a local goal saldana talks about like kind, he's referring to our local ordinance. But in this case it doesn't apply, cfr applies according to staff because of federal transportation funding issue. In fact I think it preclude us from looking at whether or not you are female or male. Under federal

rules you can only have w.b.e. goals. You can't specify if it's a female or male or african-american or hispanic. It just has to be a d.b.e. And I am familiar with this case because, you know, I've worked much to jim's chagrin, I pushed him, you know, in 2008 and 2009, i met with miss coronado and steve and they did have issues with rent and making their rent and complying with the terms of the lease and the infrastructure buildout that was required under their lease, and that's partially what led to the extension of everybody's lease, leave it as is, come into compliance, let's see if we can do this. So I am familiar with the case. I have worked, you know, on this issue trying to get miss coronado to be able to operate in abia. And I know we have strong goals and mayor garcia is right, he set this out and that council at that time set those goals out. And I think we've done well by them. But the last time I met with miss coronado, she specifically asked me, she said I can't afford to do the lease upgrades. I can't get a loan for it and I don't have the cash on hand to do it. So give me a one-year extension and I'll go away. And that was the agreement. It was a verbal exchange, it wasn't a written contract, but that was the verbal agreement between my estancia. escarpment, coronado, and we are individual. Here we are three and a half years later and we're in the same shoes and she's asking once again for a one-year extension. My inclination is to move forward with the item because we have worked on this issue and it doesn't seem to be achieving the success that we want. And, you know, I feel bad for miss coronado. I think she's trying. She works hard, she gets there, opens it, closes, but she's struggling and I'm going to be in favor of the motion to move forward.

>> Mayor Leffingwell: Any other comments? All in favor say aye. Opposed no. Passes on a vote of 6-0 with the mayor pro tem cole off the dais. That brings us to item number 7, which is pulled by councilmember tovo. There are no speakers.

>> Tovo: Mayor, I believe councilmember morrison had submitted questions through the q and a process so I'll yield to you to yield to her.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I wonder if we could have staff answer some questions. This is an item that is an ordinance to rename arena drive, which is [inaudible]. To rename it to short district. We've gotten concerns from neighbors and whether that was an appropriate naming and how it happened. I wonder if we could hear first about an overview of staff about --

>> my name is ross clark, communication and technology management. This originally was proposed by one of the property owners there. I believe it's mr. gray.

>> Morrison: I believe it's the grayco.

>> Exactly. There's two property owners affected by this. gray and the rossler next to it. We notified both property owners. gray had to get approval from all property owners adjacent to the street rossler and he was able to. All of the property owners are in agreement that are affected by a street name change. Both property owners that were adjacent to the street were notified by street name change.

>> Morrison: In terms of the approval requirements, is that in the code or that's in the rules?

>> I believe that's in the code.

>> Morrison: Okay. And as I understand it, there is some code that sets criteria for whether or not a street should be -- an application should even be brought forward by staff, and in this case staff suggested that it satisfied the requirement for neighborhood enhancements. Could you talk a little about where that enhancement might be?

>> Well, that's the idea of that is that shore development and shore district drive, it phis the two together.

>> Morrison: So in fact it's about tying together the commercial development with a street name?

>> That's my understanding, yes.

>> Morrison: Okay. The -- the other issue was that it raised the question of what the history of that arena drive was and what kind of significance the name of the street has just in history and my question is for the neighborhood. And I wonder -- I know you all did a little bit of research on that. If you could talk about that.

>> Well, we did do some research based on your question, and the only thing we could find on any of the historic records was the plat for 1963 where it was laid out, but there's no reasoning for justification for it in the plat. We called the austin history center to see if they had any information and they did not either.

>> Morrison: So I guess i just want to make a general point to my colleagues and that is hive heard, I don't know if others had, I've heard from some neighborhood folks who are concerned, you know, they would like to learn a little more about it. Frankly their concern from some of them is that it's free advertising for the commercial district nearby and whether or not that's actually an appropriate way to go with our -- with our street naming. And so especially because they have -- we haven't really had an opportunity to sit down and have a conversation with them, i wanted to make a suggestion and I'll make this an an an a formal motion that we postpone this item until -- let me find -- until november 8th and in the interim ask staff to help us pull the neighbors together with the property owners and see if we could talk a little more about whether there's something -- whether folks could come to a comfortable position on that. That would be my motion, mayor.

>> Mayor Leffingwell: Motion by councilmember morrison to postpone item 7 UNTIL NOVEMBER 8th. Is there a second to that motion? Councilmember tovo seconds. Further discussion? Councilmember tovo.

>> Tovo: I concur. I think there's probably a good rationale for naming a street and I think we should have a good rash nail for changing it and I'm not sure we've heard a good rationale at this point and I would like staff and community to have additional time to investigate it.

>> Mayor Leffingwell: So I'll just ask is there any hurry on this? Change the name of the street. gray is very interested in this and has been asking about the status of the street name

change. He wants to move forward with this development. He does consider this to be of great import for him.

>> Mayor Leffingwell: Can you provide any background on what -- why the street was originally named arena?

>> Unfortunately no, we weren't able to find information one way or the other.

>> Mayor Leffingwell: So oftentimes streets are named by the people who develop a certain area. They just pick a name.

>> Yeah, and we do not normally -- this was done in 1963. They provided no justification as part of the subdivision plat for why it was so it could be any number of reasons.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Just a clarification in terms of urgency or not. gray was anxious to move forward with his development. Does the naming of the street have anything to do with moving forward with this development? He's got the zoning and everything.

>> I apologize, it does not. He's very interested in this.

>> Morrison: Great.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: I think the only reason is they can't print materials, they can't start marketing and letting them know what the address is if they are pending a decision of council as to a requested name change, everything is on hold until that comes through. Either it's going to say arena or whatever else we decide. That I think is the issue about moving forward, if you will. They are at a point in construction where they are going to start marketing printing materials on all this stuff.

[One moment please] with that I'll go ahead and start the presentation. Slide 1. There it is. First, I just wanted to go over what we'll be reviewing today. Going over the background of the formula one event, what is the projected attendance, what are the related activity, and there are a number of related activities associated with this event. How the city has partnered with circuit of the americas, capital metro, numerous state and federal agencies and other regional cities and counties across the board to get this project done. Then I'll go into update sin our last council presentation which was on june 14th specifically focusing on transportation and public safety. Those are our two key focus areas for this event as is the case for any special event, any large special event. I'll go through key accomplishments with regard to this and open up to question and answer. We've got numerous heads of various agencies from the department here to answer any questions you may have. Starting then with the formula one event and related activities, it is estimated that there will be over 300,000 visitors that event weekend. That's pretty significant. This is our first time hosting formula one. This is the first time that it is coming to the u.s. Since 2007. There's a lot of pent-up interest with regard to formula one here in austin. This is the first

purpose-built track for this event in the country. You will not find another track like this in north america. There will be associated with those many visitors significant travel and traffic activity that weekend. For the circuit itself, the circuit of the americas anticipates that 120,000 tickets will be sold for the event. They don't anticipate that attendance for friday or saturday, but they do anticipate that attendance for sunday. Now, of course, with transporting that many people to one facility, it will require a major transportation and traffic management effort. And that's what I want to talk to you about today where the city has played a key role in that with regard to travis county and with regard to regional, state and federal officials. Now, on to the related events, and you've read these in the paper, there will be two major downtown festivals. One is called austin fan fest and the other is called experience austin. There will be three major concerts associated with this event. Aerosmith will play at the erwin center on friday at 8:00 p.m. Also on friday florida will at the convention center. Also on saturday we'll have Enrique Iglesias. There are a lot of private party and those will occur in the city during that weekend on top of these public events as well. So november is going to be a busy month for the city not just because of formula one but because it's a busy month to begin with. Starting november 4, that sunday, that will be the third day of fun, fun, fun fest. So it will run that friday, saturday and sunday. Also sunday you'll have the Komen Austin Race for the Cure. Associated with formula one the cargo planes begin arriving on november 7th. There will be six to seven cargo planes. They won't all arrive on that wednesday but will begin arriving on wednesday and trickle in through the weekend. You have barkitecture, street closures on second home football versus iowa state. Then you've got another parade, veterans day, on sunday. There are going to be associated street closures with that. And then you've got a city and county holiday, which is veterans day. That monday before the race event. Then, of course, the race teams begin arriving on that tuesday. We've got another event not connected with formula one and that's the junior league christmas affair. That continues from wednesday through sunday and it's anticipated they will have 26,000 people in attendance for that event. Then on thursday, that's when most of your fans for formula one arrive and the reason they arrive on thursday is because majority of the hotels have required on four-night minimum. They will be here thursday night through sunday night. Then, of course, friday, that's when you see the bulk of the activities. You will see races at formula one friday, saturday, then, of course, the grand prix on sunday. Then you'll have fan fest and experience austin, those two downtown festivals, also running friday, saturday and sunday. Then you will have those major concert I mentioned earlier friday and saturday. And then sunday, of course, is grand prix, then the cota after party at the Bob Bull Luck State History Museum and the final day for the christmas affair. Monday is going to be a busy airport and traffic day. Jim Smith is anticipating this will be his busiest day ever associated with an event. Keep in mind 300,000 visitors, not visitors, but over that weekend 120,000 guest for formula one. It's going to be a very busy monday. Associated with that, and i don't want to get too far in advance with this presentation, we will have the emergency operations center running friday a and ending close of business on monday. Then, of course, the week continues to be busy. We've got the thanksgiving holiday thursday and friday. We've got the turkey trot on thursday. home football game versus tcu. As you can tell november is going to be a very busy month for the city. Going on to the planning, i just want to quickly capture all the regional, local -- the ron agencies, the state eggs a, the federal agencies that have been involved in this planning process. This has been a truly collaborative planning process. I just want to say we're not planning for a perfect event. What we're planning for is an event that might have some unanticipated things that happen. Some emergencies that might happen. That's where our planning efforts are focused. If we were to plan

for a perfect event that wouldn't be the case. We have to plan for those contingencies and emergencies that might happen. That's why you see the EOC operating Friday, Saturday and Sunday and why you see a large public safety presence to deal with unanticipated events that will occur. We've been working directly with Circuit of the Americas, with Travis County, with regional cities and counties. Capital Metro has stepped up in a big way and I'll go over some of the plans they are putting together for this. The Federal Aviation Administration, the Federal Homeland Security, Customs and Border Patrol, the Transit Security Administration, the list goes on and on and on. It truly has been a collaborative event or a planning process. With regard to your city departments, these are the various teams that have been formed. Of course at the top you've got public safety, which includes Homeland Security, fire, police, emergency medical services, 311 and 911 especially. Those are the individuals that will get called first when an emergency arises or when there's an unanticipated event. Transportation -- Austin Transportation Department has stepped up in a big way as well. They've been working closely with Capital Metro, Circuit of the Americas and Travis County to make sure that traffic is well coordinated for this event. The convention center, public information office, the airport, the utilities are all present as well as resource recovery. There are a lot of eyes focused on the planning efforts for this event. So moving forward, I just want to go over briefly the primary focus areas that we've been planning for and those are transportation and traffic management and public safety. We've been planning for the increased airport activity, and Jim has put together some airport operations plans to deal with that. Public transportation. As I mentioned, Capital Metro has been at the table and I'll go over some of the things they are doing to accommodate this event. Traffic monitoring and management. We've got our location that will be monitoring all locations citywide and they will be able to turn a lot of red lights green in the event traffic backs up in certain locations. Two park and ride, one at MLK and Trinity and the other at the Expo Center. It's estimated they will carry 50% of the guests to the Formula One track site. Of course we've been planning for the traffic resulting from the downtown festivals, other special events and then related temporary street closures. On the public safety side, and Chief Art Acevedo will go over the Austin Police Department's efforts shortly. Of course, we've been planning for the incident command system model to be used. That is being run through the Homeland Security and Emergency Management Division. With that there are a number of command centers that will be put in place for this event. Primarily the area command center which is the brains for the network. That will be at the emergency operations center. You will have a downtown command center which will be at the A.P.D. headquarters. You'll have an airport command center. Then you'll have a command center at the Circuit of the Americas site as well. All of these will be linked together and all of these will share the same communications plan. And when we need to get good information out to the public and to the media, we've overlaid that with the joint information center. That's going to be staffed by all of the city PIO's from every department for that entire weekend. Of course, you know, this is going to take a tremendous amount of police protection and fire protection and emergency medical services protection as well. And as I mentioned, we've got 311 and 911 at the table. All of these are staffing up and have their various operations planned for this event. The other key focus areas, as I've mentioned, the utilities have all been present. They are planning and ready to address any type of utility shortages or outages that might take place that weekend. Whether they are at the track site or downtown or wherever else in the city. Austin Resource Recovery is focused on downtown cleanliness, anticipate a lot of downtown activity associated with the festivals and with this event. Public Works is looking at the capital projects that are currently being constructed in the downtown area. They put a moratorium on construction activity during

that weekend. That way you don't have active large construction projects conflicting with pedestrian activity or vehicular activity. Code compliance will be out during the event. Economic development, we've focused on business development. I think several of you have seen the workshops we put together in august. The history and eggs presentation, combined we have reached over 500 businesses in austin primarily all of those downtown. Of course, there is a huge public relations and outreach effort associated with this. We will be continuing to provide news releases and information leading to the event to make a public and the media aware of the city's planning efforts. At this point time going to turn the presentation over to chief art acevedo.

>> Good afternoon. Thanks for the opportunity. I want to just recognize rodney. He has been a -- I think he's been the chief for the city on this matter for quite a few months and a great partner to work with starting with our trip to london. Our operation is really going to be functioning four different areas. First the homeland security piece which really began with our trip that we did take overseas where I had an opportunity to receive a secret briefing with the federal bureau of investigation to get a good threat picture based on previous experiences at f-1 races not just in england but other places around the world. We'll be continuing to monitor the threat environment to keep an up to date picture. Obviously it will have an impact how we respond and our footprint throughout the operational period. The emergency traffic piece is going to be huge. That's going to be the biggest -- one of the biggest challenges. We will have as part of our efforts with the other city departments that we'll be monitoring using cameras to monitor flow of traffic and to -- and they will be changing the actual phase, traffic phase, the signal phase if necessary in instances where that's not working, we'll have two officer teams to immediately start directing traffic. The emergency crowd management will be a huge piece which we will focus primarily on the downtown area as well as have a ready response team to respond not just anywhere in the downtown area but also to the event itself in the event that our colleagues at the travis county sheriff's department require assistance at the venue. You know, whether things can all of a sudden require moving a lot of people at a very quick order in a very short period of time and that requires personnel so we'll have a quick response team and again crowd management will be a huge piece. Tourism based policing is something we've been talking about for a while at the police department. If you go other places around the world, they have tourist police including mexico and some places in europe where we are really pushing the mind set to you are going to have a lot of people from out of the city, out of the country that may be confused and may need help so we want our folks to realize part of that you are jobs is being ambassadors and we want them to realize 365 days a year not just this event but we want that tourism base mind set. The biggest piece, one of the concerns you have is what is the footprint of the police department and what is -- what is it doing for the rest of the city. We made our plan on the premise that we want to focus on zero degradational service for the city. In other words, our footprint will not be reduced. We will have the same number of officers patrolling and responding to calls throughout the city and being proactive throughout the city. Either 911 calls or 311 call center, we will be staffing heavier throughout the operational period and we will have obviously our realtime crime center will be monitoring all the cameras downtown and other places in the city as well as having our watch commander. Our departmental operational center will be operational throughout the operational period and the joint command center with all the different entities. So we anticipate it's going to be a great time. I just want it to hurry up and get here because there will be lessons learned just like even though two years ago at sxsw we had some lessons learned that we took those lessons and last year it went much smoother. We're confidence that we're prepared, but

we're sure there will be some hiccups. We're fluid enough we'll be able to respond to those hiccups in a very orderly fashion.

>> Thank you, chief. Again the credit goes to all the departments and agencies that have been involved. Move on.

>> Morrison: A quick question for the chief. Obviously the eoc and all the really important planning that you are doing is going to set the foundation for a successful event. One of the things I think people here now are interested in is your statement about fact you are really working so there is no degradation to anywhere else this the city. Could you talk about how that could be possible?

>> One of the things that i did when I got here in 2007, we really utilize our detectives for special events in the past. They weren't utilized unless it was on overtime. One of the things a police officer has to do is always keep skill sets up. When we see these type of events go on, what we do is we take those officers and we actually move them into the front line, into this event, the working uniform and police cars will do a couple things. Number one, it reduces amount of overtime actually significantly. But number two and most importantly, it gets them back into that uniform mind set, keeps their skills up. They get -- it forces them to familiarize themselves with the equipment, the protocols. Any given time we can go into a 12 on, 12 of a, alpha bravo situation. By removing those reseniors from investigations for a few days to this event, the actual patrol footprint, which is what people care about, when I'm being broken it and hiding this the closet are the cops going to get there in a timely manner. We will not have a degradation.

>> Morrison: That's a peak requirement staffing approach to things. How many detectives do we have that move on to the patrol force? Any idea?

>> I don't have it off the top of my head.

>> Morrison: Are we talking 50, 500?

>> It won't be 500. It will be significant numbers but I would say no more than 100 detectives. That would be like a three-day operational period for them.

>> Morrison: I was gooding to suggest since you are moving detectives out investigations might slow down for a period of time.

>> They obviously won't be working on investigations that day, but that's something we want to do from an emergency preparedness standpoint. In 2007 they weren't used in that role on a regular basis and the first time I made them work home for the holidays, which I know you are aware of, which is traffic safety, guys had to go look for uniforms. They had to get equipment. It was amazing to me that if you look at the number of detectives we have, which are a significant number, i think there are probably 400 -- how many detectives do we have? About 400 officers. You can't have 400 people that are out of the game and this makes them get back into the game

on a regular basis. It's part of our strategy and not just to manage the overtime piece but to maintain the preparedness of all of our people at any given time.

>> Morrison: Thank you.

>> Thank you, again, chief. On to the transportation and traffic management areas. There are major roadway improvements taking place around track site. 812 Is completed and that includes increasing the shoulder width out there and making two lanes plus two shoulders, and 812 will be contraflowed during this event. There will be three lanes coming, in one going out both before and after the event. Kellum road is being extended. That is anticipated to be COMPLETED BY NOVEMBER 9th. Additionally elroy road is going to be improved slightly and that's anticipated to be completed BY OCTOBER 26th. All in an effort to increase the transportation network at the site to make sure that traffic flows smoother. As I mentioned there will be contraflow lanes. Traffic is going to be segregated at the site. What we saw in london traffic for all vehicles whether it was a charter bus, shuttle or vehicle or motor vehicle, they all used the same lanes and it created a little havoc for their part so traffic will be separated. Shuttle buses and the park and ride buses will enter from McAngus road. They will not cross with regular vehicle traffic. Vehicles will enter through cota boulevard where there will be 17,000 on site parking spaces at the site. Of course, the park and ride locations are geared to accommodate 73,000 guests. site parking as well and that's for primarily cota volunteers. Those individuals will be shuttled in. So the access parking for limb zones and buses and taxi cabs will be on McANGUS ROAD. There will be bicycle access. There will be a bicycle route from downtown to richard moya park. And at richard moya park there will be a bike depot that will be monitored by security guards and sheriff's office and things like that. There will be a shower facility at richard moya park and every 30 minutes there will be a free shuttle that picks up bicyclists and takes them from richard moya park to the track site. So there will be bicycle access in that regard. With regard to citywide transportation and traffic management, as I mentioned, jim has been putting his plans together for airport operations. He's been working in conjunction can customs and border patrol and the t.s.a. And the federal aviation administration. On sunday it's anticipated that there will be 300 to 500 helicopter landings at the track site. Carrying a minimum of 1200 passengers. I'll go over some of those heli degrees port sites. Traffic management will be controlled at the toomey improvement location and if some of those lights need to be turned green, that will be done. Toomey lane will be in communication and we will continue outreach efforts to make the public aware of the smart travel choices for that weekend. The park and ride locations, we've got one in the city and that's the one at mlk and trinity. The other one is at the expo center. They should be geared up to transport 73,000 ticketed guests to the site. There will be temporary street closures associated with the downtown festivals and the other events and our transportation department is working to put in place way finding measures to make sure that our pedestrians and our vehicles know which way to go so work around those temporary street closures. The other key areas of focus, both austin energy and austin water utility will have crews stationed at specific areas in the event there are start ages or interruptions in services. Those emergency response crews will be close to the locations, close to the tota site ready to respond to those emergencies. As I mentioned austin resource recovery will be focused on downtown cleanliness so they are going to increase their operations during that weekend. Public works has put in place the moratorium for those key capital projects in the downtown area that intersect with pedestrian and vehicular traffic and road closures. Code compliance welcome back out ensuring everyone has their

appropriate permit. As I've mentioned, we put together several seminars focused for businesses on how to prepare for the formula one event. We've developed a website, [atx.grandprix.org](http://atx.grandprix.org). Since July that website has had over 25,000 pages, 19,000 of which are unique. That's impressive to have that many hits. We're feeding a lot of information for businesses, for residents, for the media and for our guests through that website. There will be a significant public relations and outreach campaign leading to the event as we have done the last few months. There will be numerous news and information releases leading to event to make the public aware of these plans specifically with regard to transportation. And there will be a coordinated information and strategy during that weekend. The corporate pio office will be managing the joint information center network. Moving on to key accomplishments, there is a traffic control plan finalized for the formula one event. That plan speaks to the vehicles and buses getting in and out of the site and the roadways that will be used and the various wayfinding that will be implemented. The park and ride locations and the routes have been finalized. The airport has implemented I think for the first time ever a pry permission required system. So far they've gotten 62 reservation requests. This is for the charter flights. I believe nine of those are international flight requests. The airport has worked with and customs and border patrol and the t.s.a. They've got their operations plans in place. Capital metro has stepped up in a huge way. They've increased their transit service for this weekend. The metro rail will be running both Friday -- actually Friday, Saturday and Sunday. On Sunday it will run from 10:00 a.m. to 8:00 p.m. to midnight. to midnight. For the first time ever for a major event, capital metro is implementing a downtown loop circulator service. There will be free of charge and the loop will consist of Cesar Chavez to MLK and it will wrap around Capitol. Cesar Chavez to Lavaca, then wrap around the Capitol on MLK, then down on San Jacinto and back on Red River and correcting again the Cesar Chavez. That will consist of six buses hitting various bus stops at 15-minute increments. Additionally capital metro will use volunteer ambassadors at certain bus stops to greet new visitors to the city. They will operate their entertainment bus service during this weekend and they are implementing a smart phone application where guest can purchase one and seven-day passes for the metro route and also route information will be available through that smart phone application. Moving on to public safety, key to all of this as I mentioned is homeland security has implemented the incident command system model which address the various command centers, the joint information center and the communications plan that links not just the city but all of the agencies involved, local, state, regional, federal agencies. All of our public safety departments have got their operations plans in place as Chief Acevedo just mentioned, the operations plan for Austin Police Department. And circuit of the Americas hasity contract in place for emergency services and traffic control. Traffic control is being managed by Travis County. There will be 120 officers at the site for security. And another 80 dedicated to traffic control at the site. Some other key accomplishments, of course our utilities have emergency response plans in place for outages. Public Works has implemented an instruction more tore number in the downtown area. Public information office has put its staffing plan in place specifically for the command centers and the joint information center. We've held business seminars and have touched over 500 businesses on how to prepare for this event. Unwith of those was an information center in conjunction with the downtown Austin alliance. As I mentioned our website has gotten numerous hits focused where business, residents and visitors and the media as well as airport web page developed for arrival and departure information and I think those are coming up next. This is just one of the handout we sent out to businesses on how to prepare and talked about the seminars we prepared for August. This is the web page at Abia and the information there is arrivals and departures, airport

maps, information on ground transportation, information on area road closures and live traffic reports. And then this is a snapshot.org website. This is focused for residents, visitors, businesses and the media. The biggest hit for this page or for this site has been road closure information. That is information that our residents and our businesses are wanting to know and so we've got an interactive map that transportation has put together linked to this site. There is still some work in progress with regard to the formula one planning. There are helicopter sites. One has been approved, the 901 south mopac location. The airport is awaiting insurance documentation for that site. The second site within the city is the embassy suites site. And that needs minor adjustments done to that parking garage before f.a.a. Will grant approval for that site. We are still looking at the permitting for austin fan fest and experience austin. It's not unusual for the permit approval to be this close to when the festival is held. So we're working with the organizers to finalize their footprint and hours of operation. And then as I mentioned from now through the event, we will be having news and information releases. So in summary, council, this has been a across the board planning effort. Not just of the city departments but of other regional departments, agencies, state agencies, federal agencies. There have been many people at the table for planning for this event. Transportation and public safety are the two key focus areas for this event. And, of course, most of our preparations plans have been finalized as I've gone over and we'll still continue to have preparations leading to this event. Mayor and council that is correct is the presentation for this morning -- for this afternoon.

>> Martinez: Thanks, rodney. Questions? Councilmember morrison.

>> Morrison: Thanks, rodney. I might have gotten confused when I was trying to sort out the helicopter sites. Could you go back to slide 18? It looks like the embassy suites is finalized but I thought I heard you say it wasn't.

>> Earlier we had gotten updated information that didn't make it to your presentation and so this is very recent.

>> Morrison: Oh, look at me. I was reading my own.

>> Slide 18 was updated this morning.

>> Morrison: Okay. Great. Let me ask you this. I do understand that there will be no helicopters landing in zilker park. I know there were some questions and suggestions that that might be happening but I heard from the parks director that will not happen.

>> You are correct and we've got jim smith from aviation who can confirm that if you would like.

>> Morrison: Sure, that would be great. He might be able to tell me or you can tell me, I'm interested in are there going to be specific flight paths the helicopters are using. I suppose folks might be interested in there is constant helicopter buzz over their residences.

>> Jim smith can talk about the specific routes.

>> Morrison: Great.

>> The airport really has no direct involvement with the routes. has a full-time staff person that is working the formula one and they have laid out all the routes for the helicopter operations that they are aware of and we've only identified preliminary two in the city and potentially third at the airport, but there's going to be numerous others out I'd the city limits and the has been working all of that. They control the flight path of those helicopters.

>> Morrison: Okay. So there may or may not be-"i guess I'm wonder, for instance, the 300 south congress or even 901 south mopac if it's going east it's going to be flying potentially over lots of densely packed south central neighborhoods and east riverside. Are there ways to find out what the flight paths are going to be? or a representative to either meet with you and give it to you or do our best to try and document that.

>> Or they could just wait and find out.

>> I think I would prefer if they could give us a response, jim, that we get it at least put on a website somewhere that we're putting all this f-1 information.

>> We'll ask them to put something together.

>> Morrison: Thank you. Appreciate that.

>> Martinez: Councilmember tovo.

>> Tovo: gonzalez, i wanted to talk about the street closures. First I want to disspeaks one question raise from the public about whether the council has approved all of the street closures. Unless there is a contested street closure application, those actually don't come to the city council. So I've been trying to communicate that so some of the citizens who have contact my office and would like for you to confirm that.

>> That is correct. Unless 20% of the affect businesses or individuals in that area contest, then it is an administrative process. It does not go to council. And that date passed on SEPTEMBER 17th, SO THAT Deadline has passed so it is administrative process.

>> Tovo: In other words, none of the interested parties within close proximity to street closures raised a concern.

>> Not 20%. Individually they may have and we always have them work it out with the organizers which they've done a really great job. Recently there are been businesses who have spoken to the circuit of the americas and from what we saw and read, the meeting was positive and they are going to be working together on that street closure.

>> Tovo: Great. And I appreciate you've got information on the website that's easily accessible. That's helpful to people coming in and out of the downtown for reasons that aren't folks used on getting to an event, or maybe, but i want to know what kind of outreach you've had to some of

the businesses downtown who may have workers trying to come in and out. Wife gotten one or two emails from downtown employees wondering how this may impact their workday. And have you had an opportunity to really reach out to some of those businesses to help them figure out ways to get their employees to and from downtown?

>> We have and Gordon Durr is here. What we've done, we've been working with parking garages and we are customizing maps for parking garages as they need them that will give ingress and egress for that weekend. Gordon Durr is here to talk about that.

>> Yes, we've offered that service for garages or parking lots for the businesses on Friday. I know that's a particular concern of both businesses downtown and the state capitol complex and part will be communicating where parking is available those days and how best to get to those. So that's in process.

>> Tovo: Good. On a related note, some of the workers who come downtown are taking public transportation and I remember during the street closure task force we did have some people come before that group and say when there's street closures the bus service gets rerouted or eliminated and that causes a challenge for people dependent on public transportation when there are lots of street closures. How are you working with Capital Metro to address that, people relying on the buses to get them to their jobs downtown?

>> We've been meeting with not only the event developers for downtown but also Capital Metro and the state on a weekly basis for at least the last month. So Capital Metro has been at the table. They have determined where they are going to be moving the routes. They will be doing their informational that they do any time a route change, they provide flyers and meet with people at the stops to let them know. They are also for this year going to have an application where you could pull up on a phone and find out where the nearest stop is for your route. But Capital Metro is deeply involved and I believe they are pretty close to being able to make announcement of all that information about where the stops will be. So if we're -- we're a month out now. That should be within the next ten days so people will have that so we can provide that to office so they can provide it to their tenants and folks that work there.

>> Tovo: Good. And I heard you say they would be out at bus stops. Do they have plans to -- is there ability to post that at bus stops for people who don't have smart phones and can't download an application?

>> So yes, that's a normal part of the process that Capital Metro staff will be at stops to address, help people understand where the changes are. As far as we know, all the routes will still continue through downtown. Most of the congress routes will be on Guadalupe and Lab. There will be a process of registration. We'll be doing signage to help people find bus stops and shuttle stops and taxi cabs and pedi cab stands. All the transportation people need since it's not the normal operation we're going to do signage to help people find those.

>> Tovo: And some of that signage will talk about bus stops especially if there have been shifts. I imagine the process has really advanced in the last couple of years, but we did hear information at the bus stops is the most useful and that was not happening in a concerted way in terms of

getting the word out from cap metro to the people who rely on that transportation. Thanks for focusing attention on this, and again, continuing to think about the various means that people need to access that information, which for a large number of people may not be through the internet or through their phone. So thanks very much and thanks for all your work, gonzalez, in coordinating these complicated and thorough efforts.

>> Mayor Leffingwell: Any other questions? Councilmember riley.

>> Riley: I want to thank everybody who has been working so hard to make sure the event goes smoothly. I know capital metro has invested a lot of energy in making plans for the weekend. I would note we're making that easier to find on capital metro's website. The airport route 100 will be running every 15 minutes and that actually will provide a connection from that downtown rail station up to the shuttle stop up by guadalupe park. So people go riding by train can hop on that bus. Rodney, is that your understanding the best connection to get to that shuttle map?

>> Yes, and we have a map we can show you of that downtown circulator. It should be a file named downtown loop. Circulaor. And you are absolutely right. I think it's the route 100 which takes you from the airport downtown we'll connect with those various modes.

>> Riley: You could also take the loop, but if you want to go straight from the rail stop, that will pick you up there and take you to waterloo park.

>> Yes. Absolutely.

>> Riley: One question about parking. I know we've been talking about identifying good places for people to park. I see you use the rail. One issue that came up was highland mall bite be available for that and the city was going to be looking into -- into that question. Gordon, would you have any update on whether those conversations have taken place?

>> We broached the subject with acc. We need to finalize that.

>> Riley: Folks that don't want to mess with parking downtown, could just park at highland mall and take the train in and a bus would provide the connection to that shuttle stop by the irvin center. Okay. I'm sure more information will be coming out as we get closer but there is awful lot of work done and we already have very good plans in place. I really appreciate all the effort you put into this.

>> Thank you, and these department have all stepped up. They've all been at the table to plan for this event. org/f 1 and you will find the downtown loop information as well as our enhanced information. One other thing I wanted to mention, our website can be translated into multiple languages including spanish. We open close to 10,000 if not more mexican citizens visiting austin during that time period. We wanted to make sure our information could be translated into multiple languages.

>> They've just done a tremendous job. They've tried to cover as you've heard all of the logistics with not only being ready for formula one but the whole month of november is full of events,

special events in our town and we should be grateful but obviously it takes a lot of time and energy and thought to try to cover all the logistics that are associated with managing an event like that. Having said that, though, and Rodney alluded to it and Chief Acevedo alluded to it, there will be some unanticipated things and probably especially so in regard to formula one. And one of the I think special things about the management structure that has been put together that you are seeing here today and, of course, in these presentations we've tried to do that in a way that we remain nimble, notwithstanding all of the structure so we can respond fitterly and effectively to unanticipated things that was alluded to in the presentation. So we think the month will be successful. We think formula one will be successful. You get one opportunity to make a first impression and we are certainly going to be ready to make a good one. So ladies and gentlemen, the staff, thank you very much for all of your hard work up to this point. I know we have more work to do. I know you are up to the task. Thank you.

[One moment, please, for change in captioners]

>> Mayor Leffingwell: Item 17, pulled by council member Riley. No speakers.

>> Riley: Thanks, mayor. I just have a couple of comments on this and I'll support its approval. I have had time to visit with staff about this. This is the airport employee parking we discussed last week and I raised some concerns about whether we were going to be pursuing parking management strategies with respect to these parking spaces once they are in place. I also raised questions about the fact that I didn't see these improvements on the master plan that we approved as recently as JUNE 28th, 2012. I am satisfied after talking with staff that we have considered some parking management strategies such as employee parking cash out program. The constraints that make that challenging in so far as many of the employees that we're talking about are actually employees of contractors as opposed to actual city employees. But I do think that we will be able to seek some continued progress on that in the future. So I would ask -- I would suggest that we approve this item with directions to staff to update the master plan. And by the way, I would like the ability to reflect these parking improvements since they are not in there now. And in the future, as we see parking improvements come forward, that those be reflected in the plan. That we actually be proceeding in accordance with a plan. I am satisfied that the staff at the airport have some plans in their head about how they expect that we will proceed on parking. But I would like to see those committed to paper. And we do have plans in place, but we haven't seen any plans that actually reflect any of the improvements for parking that we have discussed. So I would like to see -- I would like to see that committed to paper. In the future, when we move forward on parking improvements, that those actually be in accordance with a written plan. That would be my suggestion for the directions to staff. And I would just note in addition to that, that transportation staff are currently working on citywide approaches to parking in connection with our mobility plan. And that would include a parking management strategy that would apply to all public facilities. And I understand from talking to staff that would include the airport. And so I would look forward to discussions in the future about exactly how we're going to be proceeding with respect to parking in terms of both the facilities and the management of parking facilities. And my hope would be we would be able to apply those strategies at the airport as well as all of our other city facilities. I don't think we need to address that with respect to this particular construction project. I do think that we ought to make sure that our plans are updated now and in the future as we approve this project. With all that said, I would move approval of this item with

directions to staff to update the airport plans in accordance with this and to ensure that future improvements proceed according to the written plans that are in place.

>> Mayor Leffingwell: Motion by council member riley with additional direction. I will second that. And I would like to add more direction with council member riley's approval, of course. And that would be that as we formulate this master plan, we always keep in mind that we have to have facilities for the airport employees, both the people who work on-site and abia and those airport employees who commute from abia to somewhere else. I think that should be integrated into the plan in whatever form in a convenient and affordable way. Is that acceptable? Okay. Any other comments? All in favor say aye.

[Chorus of ayes] opposed no. Passes 6-0 with mayor pro tem cole off the dais. If there's no objection, council, I'd like to pick up some of these that have very few speakers or no speakers. First be item number 25. We have one speaker, but i believe he's already spoken on the subject. Eric standridge here? He was here earlier today and spoke on this item. So he's not here. So I will check and see who pulled this item off. That was council member tovo.

>> Tovo: Thanks. We also did get a follow-up email from the gentleman you just mentioned. I don't know if my colleagues have had a chaps to see it, but one of the questions I asked is responding to a similar point he raised. So I think, you know, I had an opportunity to ask many questions through the q-and-a process. I want to clarify what kind of role the city has in making sure that development happens soon on these tracts if these sales are approved. The urban renewal plan, it's my understanding the urban renewal plan lasts until -- is it 2015 or 2017?

>> I believe it's 2017. 2017 Or 2018.

>> Tovo: So right now if this sale goes through, the buyers must develop in accordance with the urban renewal plan vision for those tracts.

>> That's correct.

>> Tovo: So what provisions have been put in place? And I didn't see any of the requirements for the sealed bids. I didn't see any particular language that held them to developing the property in a reasonable amount of time , before the expiration of the urban renewal plan. What I think we should be concerned about here is making sure that those tracts are going to be developed in accordance with the urban renewal plan. So what provisions do we have in place to make sure that happens?

>> Council member, with the invitation for bid, we did not include any provisions for that. We were just trying to sell the property. We have tried several different mechanisms in the past and have been unsuccessful. We have tried letter of credits, but once we draw down the letter of credit, we can't make them build. We have tried putting a fee determinable where the property reverts back to the city. But then it's problematic for lenders. Lenders don't want to lend on property that might revert back to a different owner. So we have tried several different mechanisms and we haven't found one that works yet. But as far as we did contact the bid winner. And they are planning to talk to the different council members and meet with the urban

renewal board and the neighborhood. But they told us they want a breakdown in January and they are very excited about developing this project.

>> Tovo: I'm glad to hear that. But I would feel more comfortable -- I mean given the fact that these tracts are on a corridor that we really want to see redevelopment and we want to see development that is in accordance with the vision for that tract, I wish we had some mechanism for making sure that they will be required to develop in accordance with that plan.

>> There will be a restricted covenant on the affordable housing. That will run with the land forever. That will be something to keep them to the plan. They won't be able to go develop it to anything else without coming back to the city.

>> Tovo: Well, it's the urban renewal plan. Right now -- let's start all over I guess. What is the zoning on the tract in question in 25 and 26?

>> The urban renewal plan zoning?

>> Tovo: I thought the zoning didn't necessarily match urban renewal. I believe the urban renewal specifies townhomes or single-family homes. I'm not sure the zoning matches. If the urban renewal plan expires before development happens, they might have an opportunity to develop that property as something other than residential.

>> Director of neighborhood housing, the zoning is actually CSU. However, my understanding is the urban renewal plan is in place. And the only way that someone could develop that is not in accordance with the plan would require a plan amendment, which requires going before the urban renewal board. The planning commission and ultimately city council. So they would not be allowed to change what is in the urban renewal plan which is town homes on tract 12 and single family homes on tract 13 without a very public process.

>> Tovo: If they are developing those tracts while the urban renewal plan is still in place.

>> That is correct.

>> Tovo: Is there any mechanism for extending the urban renewal plan?

>> I'm going to defer to the attorney. Off the top of my head, I can't answer that. Perhaps Jim Williams could.

>> Jim Williams, assistant city attorney. The urban renewal plan at this time does not have an extension or a time built in to extend that. But that plan amendment could make that change. The city council could.

>> Tovo: Back to the crux of the question I asked earlier, is it feasible for the city to put into a restrictive covenant that development must proceed on these tracts prior to expiration of the urban renewal plan?

>> That could have been built in or some kind of -- I mean that's a possibility. To have put some time limits on it. I think that would have impacted, you know, several of the years, but that was not built into this. Rather we used the restrictive covenant. And, of course, the restrictive covenant is controlling as well as the fact that, you know, they are paying -- they are investing money into it. So there's an incentive obviously to do something and not sit on it.

>> Tovo: I saw this in the sealed bid language.

>> Right.

>> Tovo: That you indicated there needed to be an affordable housing component. That's something people did knowing -- I thought I also saw language in the sealed bids post that you were subject to the guidelines of the urban renewal plan.

>> Correct.

>> Tovo: Am I hearing you say there's no way we could impose some kind of requirement on the potential buyers, that they develop those properties within the time period of the urban renewal plan is in effect?

>> Not without redoing the sealed bid requirements. That would have to start back over. The change, you know, to materially change.

>> Tovo: I don't even know if it's kosher to ask this question or if it would be okay for this person to come up and speak. But do we have the potential buyers here? And if so, are they willing to speak to their intent on this property? I don't want to belabor the point. I just think it's really critical these be developed in accordance with the urban renewal plan. And it gives me pause to see us selling tracts of public land for which we have -- which play into what is a big vision for this area of town. And, you know, we're going to lose a fair amount of control over it. I understand from the questions and answers that I have asked and been provided with, that, you know, there was a good reason why the staff proceeded with requests for sealed bids, rather than requests for proposals but gives the city less control how the properties are developed or the timing under which they are developed. So, you know, at a minimum, I would like to have seen some surety that these would be developed soon and in accordance with our urban renewal plan.

>> Council member, when you looked at the invitations for bid, you saw a form of a restrictive covenant. That is going to be signed when we transfer the property. And that restricts the property to the low-income housing component. And that will -- on the town homes, that will go across all the lots until they -- once it's built, they can come back to us and possibility get that changed. But there is a restrictive covenant that is going to be signed to make sure there's an affordability factor on these lots forever so that it will have to be residential development.

>> Tovo: Help me. I'm having trouble putting my hands on that, on those forms right now. But does the restrictive covenant also specify that it will be residential use? And because it has to be affordable housing. So that's residential use.

>> Tovo: You could have i believe residence -- 10%. The affordability is 10%.

>> That is correct.

>> Tovo: But does that necessarily follow that the whole tract must be developed as residential which is what is currently in the urban renewal plan?

>> On the townhomes, it'll be because they designated 10%, it'll be across all the lots. On the block that that is the single-family homes, they designated a specific property. So that property will have a restrictive covenant on it.

>> Tovo: I guess what I'm saying is if under the worst case scenario these tracts aren't developed before the expiration of the urban renewal plan, and this potential buyer or the subsequent owner decides to come forward and develop under csmu, they are no longer required --

>> yes, ma'am. The restrictive covenant will hold them to it forever. It will be filed at the deed records with the county. And so it will be pulled up any time any development takes place.

>> Tovo: Which piece? Just the affordable housing component? Or that all of the parcels be developed as residential? I apologize that we are drilling in the details. You were going to talk on tuesday but we ran out of time at the work session, which is probably the more appropriate place to get into this level of detail. I guess what we see in the restrictive covenant is a lot of language about the affordable housing requirement.

>> Right.

>> Tovo: That means if they develop housing, however they develop the tracts, it has an affordable housing component. It doesn't hold them to develop the tracts 100% of residential. If, as I said, under the worst case scenario, they don't develop those tracts before the expiration of the urban renewal plan and they instead pursue csmu zoning and there is no residential component, is that possible? They could develop on csmu, no residential component, this restrictive covenant doesn't kick in because there's no to develop 10% of it affordably?

>> That restrictive covenant with the property doesn't have to -- isn't tied to the urban renewal plan. It's tied to the property itself.

>> Tovo: I guess I'm still not getting the surety i need to hold the property owners to develop all of these tracts as residential.

>> The restrictive covenant will have the legal descriptions of all these properties. And it'll show that they can only be developed as residential with a 10% component. At some point, when the houses are all built or townhomes are all built, they could come back and say we want to designate this unit and this unit, but the homes would have to be built before we would take it off the property.

>> Tovo: So this restrictive covenant will require them to develop all the tracts as residential, no other uses?

>> Yes, ma'am.

>> Tovo: Okay. Thank you. Entert entert ain a motion on item 25.

>> Tovo: If you don't mind, mayor, could I get confirmation from the legal staff that is indeed the restrictive covenant? I didn't take that impression away from the restrictive covenant. I'm not a lawyer. I just want your verification.

>> Yes.

>> Tovo: This requires the development of all of those tracts as residential?

>> It requires that they do residential up to the limits of one unit or 10% of the units. So on the entire tract, if it's -- I mean if it's all for town houses, then they are going to have to do one unit somehow. That's got to happen under the restrictive covenant or we can force that restrictive covenant.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Can I ask in a different way? Is it possible to develop any commercial uses under the restrictive covenant?

>> I mean if the urban renewal plan expires at that point?

>> Morrison: Yes.

>> I suppose at that point you could. But you'd still have to have the affordable housing units in place that's required, which is either 10% or one unit. So you're going to have one unit. It's theoretically possible if we didn't extend the urban renewal plan, which council has the opportunity. They could actually do that.

>> Morrison: But 10% of zero is still zero.

>> Well, it's the greater of 10% or one unit. You have to at least have one unit.

>> Council member, your question, actually you are correct that this restrictive covenant speaks just to the affordable housing piece. But again, the obviously way they could change right now the urban renewal plan is king. It is the leading document even though it is zoned csmu, the urban renewal plan assistance at the top. So tract 12 is town homes which is residential and tract 13 is single-family homes. The only way they could do something different than that in addition to the restrictive covenant would be to come back for a plan amendment which would require the urban renewal plan board, planning commission and the city council. So that could happen if someone were to do that. But they'd have to go through all those steps to change. And then after

2018 when the urban renewal plan is no longer in existence, if we do not extend it, you are correct. Then the urban renewal plan does not hold. So that does answer your question.

>> Tovo: And I guess the next point is the question i asked earlier. At this point, with what has already happened in the process, if we wanted to add a requirement that they begin to develop those tracts, we would have to restart the process.

>> Yes, ma'am. That's my understanding the way we bid it. Because we didn't include it in the beginning, we would have to close this and rebid.

>> Tovo: That is a shame. I appreciate the clarification. Do we have the property owners here or the potential -- excuse me, the potential high bidders here?

>> I don't believe they are here.

>> Tovo: Okay. I guess we'll just have to hope and trust that they'll break ground soon. Okay. Thank you.

>> Mayor Leffingwell: I will entertain a motion on item 25. Council member spelman moves approval. Mayor pro tem seconds. All in favor aye. Opposed no. Passes 7-0. I think related is the same series of questions apply to item 26. If we can take that up now. Again, we have no speakers. We have one who has already spoken. So entertain a motion on item 26. Council member spelman moves approval. Second by mayor pro tem. Discussion. All in favor say aye. Opposed no. Passes 7-0. If there's no objection, council, because mayor pro tem cole's time here may be limited, I'd like to move to our zoning cases which may require full council. If there's no objection, we'll go to item 91. Mr. guernsey.

>> Council, just so you know, we do have a valid petition against number --

>> Mayor Leffingwell: We're going to go to that next.

>> I will introduce the item jerry rustover will be presenting it. Item 1 is c8-2012-0071. This is the broadstone at the lake. This is a property located at 422 west riverside drive and 201 south first street. It is a zoning change request from limited industrial services combined district zoning to planned unit development, neighbor plan or pud, mp combined district zoning. It is recommended to you by the planning commission for pud combined district zoning with conditions. We do have neighbors that have signed up in opposition to this request. I'll turn it over to rustover to make the presentation.

>> Thank you, mayor. Planning and development review. guernsey stated, this project is located at the corner of riverside drive and south first street currently occupied by the run tech store. Limited industrial, mp zoning. It is proposed is neighborhood plan zoning. The proposed and existing property is 1.53 acres. The project is recommended for approval by the staff. It is also recommended for approval by the planning commission. It is not recommended for approval by the waterfront overlay board. It is recommended for approval by the environmental board. The applicant is requesting applied for several reasons, namely for the reason of height. There is a

proposed height limit of 79 feet. The applicant original request was 75 feet. However, the 75 feet request was based upon the finished floor elevation to the top of the building. However, because there is a slope going from riverside drive down towards the lake and the way the city measures height would not have gotten them to the 75 feet. Therefore, he has amended his request to 79 feet, but it would still be 75 feet from the finished floor elevation. The applicant is proposing a minimum of 9,000 square feet of pedestrian on the ground floor as required on the overlay, 240 multi-family units above. It will be a three-level parking garage, one underground and two levels above ground. The staff is proposing to restrict uses to roughly the equivalent of Ir-mu zoning, the property zone industrial today. The staff feels getting the limited industrial zoning off the map is certainly something we desire in this particular location. The building is proposed and we propose zero setback on south first street and 15 feet on south riverside, that would be different than the 35 setback normally referred at riverside drive. The applicant is agreeing to not do the waterfront overlay called for angle from riverside drive at 70 degrees angle. Staff feels this is not required and has no objection to the building going straight up. The building is located approximately 500 feet from lady byrd lake and does not require attention for water quality. The applicant has agreed to not provide a water quality pond within the parking structure. This is something that we all like to see. So for the first acre of development for water quality, they are going to pay a fee in lieu of. For the additional half acre they agreed to innovative water ideas. There's a possibility this rain garden may be in the right-of-way along south first street. This would require a license agreement from the city which would be requested at a future time. Applicants agreed to provide porous pavement adjacent to the building. With regard to the pud tier 1 and 2 requirements, the staff requires the applicant is meeting the tier 1 requirements by restricting the land uses from what is allowed and by complying with the pud green building standards, being consistent with the future land use of the neighborhood plan, by agreeing to provide larger street trees than required by the code. And by providing a bus rapid transit stop when one is required in the near future. For two and three requirements they are agreeing to reduce the number of driveways to two. To provide the innovative rain gardens. To provide parking in the structure and open space up to 15%. They are requesting to include the decks and balconies in that open space. Staff has agreed to that. They have agreed to providing a bike kiosk if the city ever enters into a bike kiosk program similar to the car to go program. They have agreed to compliance with the -- 7 points under the urban design standards and providing a public. Plaza and agreeing to bury the overhead electric lines adjacent to the property. In addition, because they are exceeding the height, they have agreed to provide affordable housing at the 10% at 80% level or to pay the fee in lieu of for the development above the baseline which in this case the staff has established at 60 feet normally allowed under li or cs zoning. In summary, the staff recommends approval of the pud zoning. We feel it is a superior project. And with that I'm available for any questions. Questions for staff. We will go to the applicant's presentation. We'll hear from those supporting it and then those opposed. And we'll have rebuttal time for the applicant. Michael waylon are you the applicant?

>> I am on behalf of alliance.

>> Mayor Leffingwell: Is melissa neslynn here? Chris rondosso. Not here. David dunlap. He's here. Scott sams. Okay. Here. So you have 14 minutes.

>> Should not be necessary. Going to run through this quickly. I think most people -- most of this is in the packet. I also want to acknowledge we do have corey walton on behalf of bcna, he and jack graham on behalf of save town lake. We have worked so hard with them and it's been a pleasure and privilege to do so. And we'll talk a little bit about that at the end of this presentation. So the background, as you know, from the materials 98% impervious cover, we believe it's an underutilized tract currently. The flume designation has mixed use. There are four driveways on the site going to be cutting in half. This is the site outlined in red. You have the hyatt on the lakeside. Embassy suites and city offices which I think are about 150 feet. Directly behind us in the light blue will be the aqua terra and approved site plan for 200 feet and it's right behind us. Zoned I. It will have six stories, we believe five or six stories of above grade parking that would be seen from south first and riverside if this weren't otherwise in front of it the restrictions are the 60 feet of height, the 35-foot setback from riverside, the 25-foot setback from south first and the 45 feet there's a building step back, which rustman described as a 70-degree setback so there's a taller building that would be seriously stepped back quite a bit actually at 70 degrees. And the floodplain. The proposal would be to do a pud in order to modify that 60-foot and add the additional story. There will be approximately 220 units here. There will be pedestrian oriented uses on the ground floor and some features we'll talk about in a moment. This is the land use plan in the backup. I want to highlight some of the things I have already mentioned that we have talked about. Some of which were part of our discussions with bcna, bouldin neighborhood association and save town lake. We have bike lanes and capital metro bus stop. The bus rapid transit bus stop here. And we have already had the design submitted to us by cap metro. I am seeing a yes from our engineers to go at this site. Public plaza was an idea bouldin creek had. We should have an option to have this also be utilized for ped strip oriented uses. This is something that we have had good feedback from and find acceptable. But it would be outdoor. We will have a tree canopy and double the size of trees that get planted. I guess it's the -- excuse me, the planting zone. The supplemental zone is an area, some of which is on our property and some of which is on the city's property that will serve at the furthest place. It's over at about 20 feet wide. It really is an additional sidewalk area. We're going to be working with staff on pervious pavement that works because this will be a highly trafficked area. We will be adding furniture in other pieces of I want to say equipment to activate this area and hopefully have more people utilize the public space there. We are doing underground parking. You know that it's more expensive. It also I think makes for a better project. What you see will be just the ground floor parking. It's double loaded. And then what you will have surrounding it will be the pedestrian oriented uses surrounding it, so you won't see it. This is what we're talking about. Six stories. Again, one story above the 60-foot height limit which is why we need the height to be modified. The aqua terra which will be behind us, you see that we're hiding the five to six stories of parking garage that will be behind this. I have some other images to show the parking garage. But the current site plan has the parking garage above grade for the aqua terra and some more views of the scene. So the pud -- and this really does raise the ultimate question. For the additional story they are doing, is alliance residential doing enough? You believe we are doing enough. Obviously, I don't get to make that decision. Ultimately, you do. Given all the different factors in tier 1 and tier 2, is alliance residential delivering enough to justify? Do the equities balance in favor of alliance residential for this additional story? And I want to just run through some of those things. We have the two-star green building. We are mixed use. There is no additional public facilities anticipated given the city of austin information that we have utilized. The larger diameter trees and reduced impervious cover, the brt stop, the bike lanes. We're

reducing the number of driveways. We are doing seven points under the design standards and mixed use ordinance. I think the last park place pud had five. Again, trying to use the policy standards set by council to build a better design and build a better building. We have the underground parking, on-site affordable housing or payment of a fee in lieu. That will be 10% at 80% mfi or a payment in fee of lou. The public plaza, if approved by you by motion, for a pedestrian-oriented uses. We have added that supplemental zone in addition to the sidewalk and clear zone. So what we're requesting is 75 feet from finished floor elevation. That's always been our request which has moved to 79 feet. It is still going to be just six stories. That has not changed and will not change and physically could not change because of the way height is measured by the city. We are seeking that setback relief and no step-back. So that's our request for it today. One thing this reminded me of. I did go back and pull some figures. I asked ryan robinson. Robinson? To help us with -- help me with some data because I had heard that the suburbs have doubled given the growth in the urban core in the last 10 years. And the census data from him -- this is his piechart, not mine. I don't get credit for it. Demonstrates this. In the yurp core, we had 71% in the suburban core. He said that stend shifted a little in the we have to take some time and see if it is permanent. It is more 50/50 than the two to one split here. Of course, that reminds me and I have shared this with you before, frankly I have heard this stated by others, the only thing austinites dislike more than suburban sprawl is urban density. What we are proposing today truly is an outstanding project at the right place and at the right time. We're capturing what is now rain water hitting the lake and we're going to be rain water harvesting that because it will be clean enough hitting a roof. Doing some innovative things that staff asked us to do with native, urban rain water garden. We worked closely with nesiak and his staff, very positive. We utilized the bouldin creek neighborhood in the form of community benefit with some of those additional items. I thought that was a way to utilize the money on-site with those additional environmental items. In terms of bcna and save town lake, I did want to thank them personally for the commitment and the time that they spent. We have been working with them since may. Although we didn't reach any agreement, we found the dialogue was healthy and helpful and respectful. I hope that it's set for all of us a good standard, at least of communicating and sharing ideas because it was a good way and a good process to get some ideas and incorporate some ideas and come out with a better project. I know that they are not for the project because it is a pud. I understand that. I don't think that they have much objection to the project itself. That is a six-story multi-family project with underground parking, pedestrian-oriented uses and environmental features that we have discussed. It is the pud process that they object to. We disagree with them. We think using the pud is a great way to be innovative with some of the requests that have been made by staff and by others and incorporate those. So we hope that you'll support the requests and appreciate your time. Thank you very much.

>> Mayor Leffingwell: Thank you. Brandon easterling. Question, mr. waylon. Council member tovo.

>> Yes.

>> Tovo: waylon, looking back over the environmental board motion. They had a few recommendations for you. I want to be clear. I understand what you said about -- what are they called? The gardens?

>> The urban and rain water garden.

>> Tovo: And other things. Are you still planning on paying a fee in lieu?

>> Yes.

>> Tovo: Versus on-site.

>> We could do on-site capturing and water quality in the garage. The environmental board, the planning commissioners do not want -- and staff do not want that to occur any more. It's hard to maintain. It is not the preferred route. There aren't a great number of spots to use the fee in lieu nearby, but I think lesniak can address how that money would be used in nearby locations for water quality. In addition to, we would be doing some work not just along the strip in the clear zone around or sort of the plant zone around us. We would also be working with staff on some off-site water quality nearby. That's part of the ordinance. To look for innovative water quality treatment options with staff. That's part of the ordinance.

>> Tovo: I would like to get some clarification from mr. lesniak. I have an environmental board motion in front of me that says the fee in lieu of water treatment is an awkward mechanism and they are recommending, as you have said, more innovative water quality controls. So it sound to me from their learn as if they would have preferred on-site treatment versus in lieu of. Maybe we can get some clarification.

>> I think this is a nice split. We're doing an acre of fee in lieu and the other .53 acres will be the innovative water quality. A nice way to split the difference. Keep in mind, this is an urban, urban, urban setting. When you have urban settings, you have to find alternative ways to manage some of the things like innovative water quality, having the fee in lieu so you can have a bigger water quality detention facility somewhere else that might capture more than an acre, but then treat more than an acre for surrounding buildings as well. I think in an urban setting, you have to be innovative. I think that's what staff has done. It's ben a healthy dialogue in process.

>> Tovo: Can you tell me a little bit about the tree size? I see in the environmental board motion, also they are recommending -- no urging that the developer use larger trees than the landscaping plan. Can you tell me how your plan has evolved sinks the environmental board hearing has it revolved?

>> The code is an inch and a half I believe. And we have doubled that to three inches. That's what the ordinance as it reads right now states currently.

>> Tovo: Was it the three inches that were presented to the environmental board?

>> It was.

>> Tovo: They felt should be larger.

>> It was, it was.

>> Tovo: That was not a recommendation from the environmental board that you chose to act on.

>> It was not given the other recommendations that we had heard and were working out with staff to add, like the rain water harvesting. Which is another big item that we wanted to include and thought would have a bigger bang, especially since the trees would be growing and getting bigger. And the rain water harvesting doesn't get bigger. It stays one size.

>> Tovo: And then lastly, and maybe we can hear from staff about this in a bit. About the tier 1 requirement that the site be 10 acres. And I wonder if you can address what topographical constraints you feel warrant overlooking that important provision that hud sites be a minimum of 10 acres unless there are topographical constraints otherwise.

>> I don't think it's limited to topography unless there are special circumstances and it says such as topography. So I think when you look at the circumstances of urban property and how best to treat urban property in a zoning context in a way that offers the best opportunities for the city, this would be a good example of that. We are hemmed in, obviously, by 200-foot buildings that surround us. This turns into a nice transition. The waterfront overlay, as you know, has restrictions that really don't allow you to build to the six stories that is common in this type of construction. This isn't a steel and concrete structure. So I think some of those things are the types of special circumstances you look for, for somebody who's willing to do the urban rain water garden, rain water harvesting, you know. Things that can be special at the site and make it something that we're proud of, which I think we will be.

>> Tovo: Thank you.

>> Mayor Leffingwell: And we have another speaker, i believe. Brandon easterling in favor. Okay. I'll call up those who are opposed. Jack graham. Welcome. You have three minutes.

>> I'm here on behalf of save town lake. And I want to thank michael waylon and the developer for meeting with us and spending a lot of time with us. It was very cordial and productive. Sadly, we didn't reach an agreement. And so we're here to oppose. Save town lake for over 25 years has been dedicated to advocating where we're enforcing the waterfront overlay. And this particular project is right across the lake here. And it's on the corner that is not -- michael referred to it as an urban setting. It's very much a pedestrian setting. Earlier when they are talking about fl, it was mentioned the fun fest, the turkey trot, the cullman event. All of which generate thousands of pedestrians, visitors and residents walking by that corner. And it right across from the auditorium shores. Every weekend there's events there which bring pedestrians. But the marathon and the capital 10k bring thousands of people around by that corner. And the trouble -- one of the troubling parts of the development is the setback item. The setback and the slope, they are encroaching upon the setback and also encroaching upon the slope, the step-back. And this affects the viewscape from auditorium shores, long center, butler park, the trail, the lake. And it's important from the pedestrian aspect, it's not an urban corner that is strictly traffic and cars driving by. It's a pedestrian-oriented environment. And this viewscape encroachment is one of the most important reasons that we are opposing this. And the fact that it's being -- is that three minutes?

>> Mayor Leffingwell: That's your time, yes, sir.

>> Mayor. Questi questi on for you from mayor pro tem cole.

>> Cole: graham, i wanted to give you a chance to finish your thought. Then I had a couple of questions for you.

>> But that it's referred to as the pico pud. It's one and a half acres instead of 10 acres. It's using the pud seems to be a crunch and seems to avoid the requirements of the waterfront overlay.

>> Cole: Did you visit at all about the pedestrian oriented uses? Did that factor into your decision to oppose it? Would that happen matters at all?

>> We discussed the proposed development, the proposed billing in great detail. I don't recall that feature.

>> Cole: Thank you.

>> Mayor Leffingwell: Jack graham. That's you. Cindy ucollis. Cindy here? Corey walton. Welcome. You have three minutes. Just pass them out at one end and you we'll pass them down.

>> Thank you, mayor and council members. I am corey walton vice president of the bouldin creek neighborhood association. I'm passing around the document from president sibdy colin sort of stating the association's position on this project. One of which in the request to continue working with the applicant and city staff would be to waive the fee in lieu for affordable housing to provide for this project if it does indeed qualify as a pud to give the community some real benefits. And that would be to have the affordable housing included in the project. What we're looking at here, as the applicant states -- let see if I can make this thing work. I'm two minutes in already and I can't make this work.

>> Mayor Leffingwell: You are just one minute in. You've got two minutes remaining.

>> Manually, okay. Let's to next. And next. And next. What we're talking about here is a community benefit. They are calling this open doorway public space. That's about the size of the space for a homeless person to get out of the rain and the wind and sleep through the night. Next, please. And next. We're also talking about something innovative in runoff water management. This is the city right-of-way. So for the first time, what we're doing is rather than reducing their buildable footprint, we're giving them public property. You can call it innovation or public welfare. I don't know. Next please. This is the bouldin creek neighborhood plan that this project countermans. But neighborhood plans don't seem to interest this council much, so let's move on. This also defies the waterfront overlay as we have said. You know, there was a very strictly defined height minimum among other things. That's for the preservation of height or height view corridors and community access. If I could real quickly present --

>> Mayor Leffingwell: I'll give you another 20 seconds because you had the problem with the slides. Go ahead.

>> Mayor, the problem with the slides actually went considerably more than 20 seconds. If he could have another minute.

>> Mayor Leffingwell: At council member spelman's request, you have another minute.

>> Thank you. In June, we had an aias-debt project which is a -- moving forward please. We had urban planners from all over the country review this parcel and this portion of the water front overlay. One of their first RECOMMENDS WAS THAT PUDs And variances is not the way to intelligently develop this parcel of the waterfront overlay. Next, please. There have been many compliant projectings within half a mile of this who did manage to stay within codes and ordinances. Next, please. There's one of those community benefits. Next please. And next. Another one at 60 feet. This one has underground parking. Next. Public financial statement public facility under 60 feet. Under 40 feet. Thank you. I'd be happy to answer any questions.

>> Mayor Leffingwell: Okay. Question from council member morrison.

>> Morrison: Corey, are you on the waterfront advisory board?

>> I am.

>> Morrison: I believe they voted unanimously against this. Could you give us a summary of the discussion and the recommendation against?

>> The waterfront planning advisory board was put in place by many folks on this council recently. And it was to review projects on the water front and actually set higher standards for design and protection of the waterfront. In general, the consensus of the letter september to you by the chair of the board, the general consensus was that this project, you know, regardless of pud zoning or any zoning, that the benefits provided within the waterfront overlay really didn't measure up to the sorts of standards that such a valuable parcel, this close to lady byrd lake really merits.

>> Morrison: It's my understanding based on the letter, there was also discussion and concern, you know, aside from, you know, whether the pud had superior benefits equivalent to what we were trading off and the main concern was the waterfront overlay is there in order to maintain in part the visual access and connection to the lake.

>> Correct. And the visual access on this particular parcel, you know. The waterfront overlay has height caps on many of the 16 subdistricts that far exceed base zoning. But this one in particular strictly capped that for the visual access. As well not only in the building height, but also in that setbacks from riverside drive that sort of addresses that pedestrian activity and that interaction with the parks and the long center. And here we're asking to drastically reduce that access.

>> Morrison: You're talking about the waterfront overlay. Some of the districts actually identify, you know, base districts. But up to 96 feet, over 60 feet, under certain circumstances.

>> Exactly.

>> Morrison: In this district, there is no such additional allowance under certain circumstances.

>> Exactly.

>> Morrison: Thank you.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: Help me be specific about this. What will we not be able to see if the 79-foot building is built on this location that we would be able to see with a 60-foot building?

>> I think demanding on where you are, for example, if you were on, you know, the riverside drive side, say you were approaching the long center and approaching auditorium shores, there is in addition to that wider setback from riverside drive, there is that 70-degree angle of repose, both of which are being requested to forego here. You are cutting off that additional just -- I don't know whether it would impede being able to actually view the waterfront itself. But you're cutting off skylight and probably much of your vision to the north side of the lake. That slope up to this building, for example.

>> Spelman: Well, certainly, we'd see fewer of the buildings on the other side of the lake. I get less sky.

>> Less sky. And I believe to an extent, you know, you are also reducing the view across to auditorium shores and that view going northwest.

>> Spelman: Because it's up against the sidewalk rather than backed up by 35 feet.

>> Right.

>> Spelman: Thanks.

>> Thank you.

>> Mayor Leffingwell: Okay.

>> Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: walton, I just wanted to ask you. Well, one, could you just remind us again of what the vote was at the waterfront overlay? I think I heard council member morrison say it was unanimous.

>> It was unanimously opposed to this.

>> Mayor Leffingwell: It was 6-0.

>> Tovo: I'm looking at the educational impact statement. And it's developed for travis heights elementary. I wonder if you have had a chance to look at this or anyone else has because i believe it's within the becker attendance zone. Can you remind me of where the boundaries -- I thought the boundaries for travis heights actually began at south first going --

>> I think for travis heights, I think for travis heights, it is east of south first. So this would be within the travis heights. That's my guess. Within the travis heights school district.

>> Tovo: Okay, the attendance and the aids attendance zone calculator puts it in becker, so maybe we can get the staff to clarify that.

>> Mayor Leffingwell: Backup materials says travis heights.

>> Tovo: I guess my point is if I plug it into the aids information, it comes out becker. And my understanding is that, you know, a lot of the tracts from south first on west fall within becker, not travis heights. So maybe the staff could look into that and get back to us about whether the eis is correct. walton, were there any other points that the waterfront overlay board raised that you haven't had a chance to mention?

>> There was one point that -- well, that many brought up in terms of pud zoning itself. And the use of pud zoning itself. I had a chart that I didn't get to that addressed -- i lost my clicker on that, so I guess I'm not allowed to use it.

[Laughter]

>> Tovo: If it's all right with the mayor, I would like to see the chart if you have a chart that address that is point.

>> If I could.

>> Mayor Leffingwell: I don't know why you wouldn't be allowed to use it. You can project it up there, you can use it.

>> Yes, that's right. If you can project it, I can get you there. Thank you. There you go. Thank you. We requested both of council and staff about the number OF SUB 10-ACRE PUDs. And this is the research that I was able to come up with from information provided by staff. And this is over a quarter of a century. All I could come up with in that time was six sub 10-acre puds. If you move forward one, and back. The disturbing trend here is it's only in the last five years has pud zoning been used strictly for the purpose of gaining extra height entitlements. All of those previous to that were really done for zoning challenges, complexities similar to those addressed in the language of pud zoning. So that was a problem. On some of the water front planning advisory members.

>> Tovo: And it's particularly relevant to the waterfront overlay board because of the way the waterfront overlay relates to pud zoning?

>> Yes. What the waterfront planning advisory board has -- well, as you all know, has been tasked with providing council with a form of metrics in determining, you know, how one gains those density bonuses. Most of which are already set forth in the waterfront overlay. The challenge is to come up with a fair, equitable manner of coming up with those bonuses that really do "a," preserve the waterfront overlay and, "b," serve the community.

>> Tovo: Thank you.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: It's interesting we're talking about height here, of course. But this is not merely height. It's also the setback plus the riverside overlay, which I'll ask staff some questions in mant about this. My guess is that there's a significant additional volume due to relaxation of the setbacks and the step-back that meets or exceeds what you go from an extra story on top of the allowable footprint. And so here's my question about the waterfront overlay. Are you even talking about what bonus -- what metrics ought to be used to relax the step-back?

>> I believe council member --

>> Morrison: Did we ask you to do that?

>> Well, I believe that, no, there hasn't been discussion about easing setback per se because primarily the setback are questions of setback from lady byrd lake itself. This is the first case we have come across where there was a rather inordinately large setback from the street and the sidewalk, away from the waterfront. And we noted that in this case, there was not that strict restriction in the ordinance itself, that didn't say you could come to the board of adjustments or the water front planning advisory board and request a relaxation of that setback.

>> Morrison: Right. I guess the point is that when we went through the review and revision to the waterfront overlay ordinance recently, what was put into place was maintaining the structure, which is yes, let's go ahead and embrace the density bonuses via height. But there was never any recommendation to start looking at bonus densities for relaxing the step-backs. That's just my point. That's not part of the waterfront overlay ordinance.

>> No. And we certainly hadn't figured relaxing setbacks into the bonuses.

>> Morrison:, THANK You.

>> Mayor Leffingwell: Thanks. waylon, you have three minutes rebuttal.

>> My name is brandon easterling. I'm actually the developer here representing alliance residential. Just kind of wanted to come down. I donated my earlier time to michael to get through his presentation. But first and foremost, i did want to thank cory specifically again as

well graham, both on behalf of bouldin creek neighborhood and save town lake but we do feel that we have made a lot of progress. And in fact, that public plaza you see that's been implemented into the plan was a recommendation from the zoning committee from bouldin creek. So we did, as michael indicated, actually implement some of their suggestions into our project. Mayor pro tem cole asked the question earlier about pedestrian oriented uses and whether that was a discussion with bouldin creek or save town lake. graham couldn't recall. Yes, we definitely discussed it. We didn't get so specific as to determine a specific use or multiple types of uses, what we did do was come up with our actual list of prohibited and allowed pedestrian oriented uses which is part of the ordinance. And we did discuss that with them. But that wasn't really their focus. Their focus was really more the pud as a means or a mechanism by which to accomplish what we're trying to accomplish. Not so much the fact that we went putting in maybe some SPECIFIC PLUs THAT THEY Were looking for. So I did just want to indicate that is well. In addition, you know, i think you have heard from a few folks here, cory included, you know, on one of his slides I wish I could bring it back up -- we don't need to. But the s-step process that was here in austin a few months back in the middle of the summer, I anticipated i was asked to be a participant in that of which I was. And I met with two and three architects from around the country. I agree with cory. PUDs REALLY ARE UNIQUE. However, in this particular instance and on his slide, the very last line item in his slide said density bonus plan basically a methodical or predictable outcome for a developer. Well, that doesn't exist. We have been talking about density bonus plans for decades. We are hearing that they are in discussion once again. We know they won't be implemented at least for another couple of years. I would much prefer to not have to go through this process if I had an alternative. So I did just want to bring that up because that actually was on his slide, but he failed to mention that. And I'm here for questions if any of you all have any questions for me as the developer.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Thank you. Thank you for being here tonight. I guess I have a question. You might be getting it but it sounds to me it's like it's in a significant change, especially with the setbacks added to the height. Have you all had an opportunity to do a feasibility study? If you stay within the regulations that are on that property, how many square feet would you be able to build and contemplated going forward or talking to -- i assume and understand you haven't bought the property yet, is that right?

>> Right.

>> Morrison: And then talking to the landowner about what's allowed on the site?

>> Great question. We went even further. We had save town lake -- and graham will confirm we shared our confidential financial information and really engaged in a meaty conversation about just that. So the answer is yes. But I'm not going to ebb gauge in that conversation publicly. I was happy to do it with save town lake privately because it's a healthy discussion to have. It does add an additional story that's the height request that we're asking for. And that's why we're adding the different things that we have talked about.

>> Morrison: Can I ask how many square feet you plan to build on this property?

>> There are different ways to measure square footage if you are talking rentable square feet.

>> Morrison: Yes.

>> It's right in the 160,000 square foot range.

>> Morrison: Thank you. I appreciate that. Do I have a question for staff if I may. I know probably at least the last six years we have talked about having a 3d modeling program available to actually take a look at what the profiles of buildings are that can be built under certain constraints. I'm really curious about, first of all, being able to get a visual and, you know, based on some of the other questions we were hearing, you know, what's the impact of taking away that step-back and taking away the setbacks. But also if we had a 3d modeling, we would be able to get a grip on how many square feet could be built under the existing square footage. Any idea on whether you all could help us with that amount of square footage under existing entitlements and a visual?

>> On the amount of foot, we can make estimates based on the allowable f.a.r. What we don't do is design a building or take their proposed design because that can, of course, change.

>> Morrison: But we do have a maximum based on the envelope that's allowed with the step-backs and the setbacks.

>> Correct. I believe in this case, because for the purposes of the affordable housing, we did say that anything above I believe it was 133,000 square feet -- I'd have to double-check -- is responsible for the fee in lieu of. And that was the 60-foot level compared to the 75-foot level or 90-foot level.

>> 79-Foot level.

>> It's 133,292.

>> Morrison: Does that take into account the additional square footage they are gaining because of the relaxation of the setback and the step-backs?

>> Yes. That just presumed a flat building 60 feet using the size of the property.

>> Morrison: That means the 133,000 assumes you are not stepping back?

>> That's correct.

>> Morrison: Okay. So that means that's beyond what's entitled on the property. Is there any way to get the square footage of what's really entitled on the property which includes the 25-foot and 35-foot setbacks from the street, plus then the step-back at 45 feet. We don't have that number.

>> We don't have that number. You have to design the building and put that setback in there and figure out what that amount would be.

>> Morrison: Right. I imagine there would be some 3d modeling we could do. But we never really moved on getting thatd modeling program in place. Is that correct?

>> At this time, we don't have a 3-d modeling program, no.

>> Thank you.

>> Mayor.

>> Mayor Leffingwell: Mayor pro tem cole.

>> I wanted to go to the water quality board.

>> Yes, ma'am.

>> Cole: okay. I'm also wanting to understand how a listens agreement would work with respect to the water quality issues. rusthoven, i wail enreferenced that and I want to nail it down.

>> One reason for the -- it would be in the city right-of-way. That would require a license agreement which is a separate process which is handled by the real estate department. It would be a future application. so it would be a future application that the applicant would have to bring and we at this time would have to trust that they would do that?

>> Yes, if they want -- if they want to locate that facility in the right-of-way that would be a requirement.

>> Cole: okay. Thank you, mayor. council member riley? I have a question for the applicant, either mr. walen or mr. easterling. walden showed pictures of other buildings that went up in the area without seeking pud zoning or any special zoning changing and so the question raised by that presentation is why can't you all proceed under the rules that are currently in place? I understand that would mean being one story lower, and it would means complying with the setback and stet stepback requirements we've discussed. Why would that make your project unworkable?

>> Well, partly the marketplace. I mean, the mark is such -- the equity markets are such they frankly like projects that have more than 200 units in them. That's part of what is -- frankly we saw that a little bit on north burnet road. We weren't able to get that deal -- the equity on that deal to -- by primarily also because it wasn't close enough. So I think the answer is a successful project needs to have a certain amount of density. We know, for example, one of the slides is -- there's one on lamar at barton springs. They will be coming in asking for more height, i believe, and that that hasn't been a successful project. They're struggling and i think it's an example of when you try to -- in the marketplace, not execute where the market is, you're going to find yourself with an unsuccessful project. So we're balancing a couple things. I love this council and i love the city of austin, and -- and we also have another third party, and other third parties and those third-party factors put pressure on the project as well. And so balancing the equities, balancing the market, balancing what we're trying to deliver to make a superior project is kind of

the tap dancing we've been trying to do along with balancing feedback from town lake. Which has been great. Taking all the feedback, markets, council, neighborhood, this is kind of what we baked, if you will, and I think it's going to be a success. When you look at it and balancing all those different factors. The marketplace being one that's kind of driving a little bit of that.

>> Riley: okay. And I also heard you mention the -- a bus stop, and was it a bus transit --

>> brt site, yes, sir.

>> And where exactly is that?

>> It will be on riverside, east riverside is where it's going to be located.

>> On --

>> yeah, right there. that will be -- one of the brt lines that will be in place in the next couple years?

>> It will, and we've shown it on the land use plan, it's shown, a proposed location for cap metro we've put on the land use plan, as requirement.

>> Riley: okay. Thanks. any other comments? I believe this is ready for all three readings. Is that correct?

>> Correct. Entertained a motion. Council member riley. mayor, I move that we close the public hearing and approve the requested zoning on all three readings. I am going to have a couple additions to the j l, but I'd like to get the motion on the table first. motion by council member riley to close the meeting and approve on all three readings.

>> Cole: second. second by council member cole.

>> Couple things came up in the discussion, one in walton mentioned, the public plaza. There are issues with a plaza of that size especially in a downtown urban setting there are issues about keeping that plaza activated and there's a risk that sometimes they can just become places for folks to hang out and sleep and it doesn't become an inviting place. It actually makes the place less inviting. That has been a particular issue on some downtown plazas. On the other hand, public space that is active activated seated with pedestrian oriented use. Walk down 2nd street and places with joe's coffee and sidewalk cafe face. You can see those kinds of public spaces are very successful because they're continually activated by the associated pedestrian oriented use. So what I would like to suggest is that we add language in the paragraph 4, which addresses the public plaza, we just simply add a line making clear that the owner may utilize the public plaza area for outdoor seating associated with pedestrian oriented use. One other change is in paragraph 5, it relates to the supplemental zone, which is a minimum of 5500 square feet. I would like to just insert a line at the end of that saying that the -- the city may also place a bike kiosk in the supplemental zone. We are currently working on moving towards a bike-sharing system in the downtown area. We hope to issue the rfp for that by the end of the year and hope to

have that launched by may of next year. Many of our peer cities are moving forward with bike-sharing systems, and this project being so closely located to -- to the urban core, the trails, the bridges would be a really good location for a bike kiosk so the people can connect with that whole bike-sharing system, and so that -- just to make clear that a bike kiosk could be placed in that supplemental zone I think would be very helpful. So those are the two changes that I would offer. so those would be friendly amendments. Mayor pro tem? Okay. For discussion? Council member morrison. I won't be able to support this motion. It's probably not any surprise, but I think that rather than belabor the points, I think that this is not a superior development by any means. I think that there is important, important regulations in place. You know, I heard a reference to we just don't like -- people just don't like urban. That is not true. People have working very, very hard and have found very productive ways to incorporate urban fill in a way that's done exorbitantly and in a -- compatibly and saving the values we set. In this case these are values we set 25 years ago or whatever, and I think that while something -- if there's a suggestion that it's not commercially viable to build something under current regulations, I suggest that really the price of the land needs to be adjusted as opposed to pushing a breakdown in the -- in the regulations that we've set to protect our -- our lady bird views. Thank you. council member tovo? I'm not supporting the motion either and I just want to say we do have good examples of projects, including one in very close proximity to this one. whalen was in that one too. The hyatt site, and the resolution was very different. It was site also within the waterfront overlay. There was a very long negotiation process with the surrounding neighborhood association and also other neighborhood associations in the area and the eventually -- when it came to council it came with a recommendation of the neighborhood association because those parties had worked so hard to assure that there really were -- that the project really was a superior development, that it met the criteria for superior development, which is the standard by which this city is supposed to hold public applications, and that community again, after long negotiations came to an agreement there were things that mitigated against the concerns that had been raised by the project. This is a project that does not -- does not -- is not going to be developed in accordance with our waterfront overlay. It flies in the face of the neighborhood plan and I think those are both governing documents for how we develop our city. council member riley? yeah, I'm just -- I just have to offer a couple comments about this area. This is an area, I assume most people are familiar with, right at the corner of riverside and south first, right across the street from our beloved hooters and the associated surface parking lots all around there. For decades now we have recognized that that area is not exactly everything we would like to see there, and that was recognized at the time the corridor -- town lake corridor study was done and the time the overlay was put in place and the hope was we would achieve a transition toward something that is much more pedestrian oriented that would reflect superior design and that we would see really progress and a transformation of that area. None of that has come to pass. We have had plans put in place, such as the fairfield hyatt plan that council member tovo mentioned, which of course has not actually been built, and -- but by and large the area has just been stagnant. We've seen nothing but surface parking lots and one-story retail uses for decades now, and the area does not reflect much of a local character. It is not oriented towards the waterfront. It is not activated with pedestrians. It is not everything we would like -- like to see in that area, and it is not what we had envisioned at the time of the -- that the waterfront overlay was studied and the documents were put in place in support of a transition for this area. This is a one step towards finally moving towards achieving a vision set out in those planning documents, and it's particularly appropriate in that it is actually located right on the bus rapid transit line that we are about to put in place. All over the city we

have -- we have had general agreement that we want to coordinate our transportation planning with our land use planning, which generally entails a somewhat higher level of density around transit stops. That is going to be -- that is going to nurture the benefit of our entire community, if you position people in jobs in close proximity to transit lines so that they're not always contributing to the congestion that all of us experience, and since we have generally accepted as reasonable some modest increases in density associated with proximity to a transit line, there is a brt stop right at this site and we're talk about adding one floor of residential. To me that is a very modest and reasonable increase in the entitlements that is -- that is appropriate given our interest in supporting transit oriented development, and it is associated with a development that reflects the kind of superior design that was envisioned in the waterfront area. So I think this is a -- an appropriate project and i stand by my motion in support of it. all in favor of the motion to approve on all three readings with two amendments on the public plaza and one -- one amendment on the public plaza and one on the bike kiosk by council member riley, say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 5-2 with council members tovo and morrison voting know.

>> Thank you, mayor and council. we're not going to have time to finish this item, no doubt.

>> Mayor and council, we might be able to do on item 85 and 86 that we do have two postponement requests that have been submitted. You could probably dispense with that at least before let me brow them quickly, item 001, in the montopolis planning area, property locate the at 1700 1/2 frontier drive, to change to future land use map to multi-use. Case c shall--0067, same property, frontier valley drive to multi-residence medium density mf-3-np zoning. There is a valid petition that's filed. It sits at about 30.9%. We have received two postponement requests regarding both of these items, one from delwin goss, president of montopolis community alliance and another one from anthony golden representing the frontier at montana hoa. golden has requested a postponement of this item to the 6th. goss was not so specific. The applicant is against the postponement request and also the montopolis neighborhood planning contact team urges you not to punish this request. I believe there are representatives from both sides -- we'll have one speaker to speak in favor of the postponement request and one opposed. Who do we have to support the postponement request? Okay. And your discussion should be limited only to the reasons for postponement. Not to the merits of the case.

>> Good evening. Thank you for hearing me. My name is kj connor. I live at the arbors condominiums. We are directly across the street from this site. I represent the developer and the 42 resident owners of the arbors in requesting a postponement of this case until december 6. Our reasons are the number one, the improprieties and invalid process over which the montopolis team presided have robbed the stakeholders in the neighborhood of input on rezoning request. The improper process caused the planning commission to admit they didn't take the contact team votes of july 30 or october 4 into consideration when they voted on the zoning change. This is unacceptable to me, and all of the other residents of montopolis. We believe that our votes should be heard by planning commission and the council. Unfortunately, due to the improper behavior of the contact team two members of the executive committee resigned on october 4, so

at this point those positions need to be filled before we are able to consider the impact to Montopolis of the zoning change from multi-family to multi-family 3 on this tract. The stakeholders have literally not been apprised of what mf-3 zoning and the change of the future land use map mean to our program. They've said the process is separate from the properly but the illegitimate process will fact Montopolis forever, decades. The second reason for asking for a postponement is the east riverside corridor master plan. Does it matter or not? Our city is set to adopt this plan next month, and this applicant has changed its zoning request to flowt the rules, the vision and the principles of the east corridor master plan. Norte on the planning commission suggested that we relax or grandfather certain design standards for this applicant. His email to me said you are right, during the last planning commission meeting I was trying to encourage the developer to adopt cs-mu zoning instead of mf-3, which is basically not changing the zoning. That's what it is now. I spoke to the developer's agent previously and she told me that she would be willing to adopt cs zoning but only if commercial design standards could be waived for 12 to 18 months. Eventually the entire building would have to comply with commercial design standards. We in Montopolis blood flow that healthy neighborhoods or complete communities as Imagi Austin puts it have socioeconomic diversity in order to attract investment. We are in favor of creating a well-planned neighborhood. This project seeks to avoid the provisions of the east riverside corridor plan one month before it's adopted, including the commercial design standards we believe will have a more inclusive and better designed neighborhood. Our third reason for asking for the postponement is that we've been told over and over by the applicant that they are up against pressing deadlines. That is your time. Can I ask you a question? Is this development in your -- in the neighborhood you represent?

>> Yes, sir, it's across the street from me. but it's in your -- it's in your neighborhood designated area?

>> Yes, it's in Montopolis.

>> Mayor Leffingwell: okay. Thank you.

>> Do I not have three minutes from someone else? only take three minutes.

>> Oh, I see. All right. Than for your time. Any other questions? Appare appare ntly not. Opposed to the postponement?

>> Mayor and council members. Thank you four time this evening. I'll just make this very brief. There are some true deadlines tied to this project. The October 18 is the last week that the seller has provided to our client to close on the deal, so if you had a one or two-week versus -- or anything further -- basically it would just kill the project. The other thing, it's not just the city of Austin, it's not just the seller, we also have a tax credit application process that is with the state. We have someone here, Cesar Chavez, that could speak to that if you have questions but they have a very specific schedule they comply with. My experience is they don't give you extensions or exceptions, so definitely -- and that neighborhood is clearly aware of this. Every time they've asked for postponement or different negotiations and more meetings and we've been able to respond they've come up with something new, so the bottom line is they just basically just want this to expire, and and that's basically all that's going to happen here. Some of the the statements

were not true statements but I won't speak now and we'd ask you to at least be given an opportunity to speak to the case. We've gone through a lot on this project since April and we haven't expedited this where we could have given ourselves buffer time for postponement request which is the norm, but unfortunately trying to work with the neighborhood by the direction of our client, and unfortunately because of the notification process for the October 11 that you all had agreed to hear this, it was a notification process that went through notifying for October 18, so we lost that one-week buffer, so we're basically out of time. In doing the right thing we're now in a corner and we really need your help on this. Thank you. Can I ask you a quick question? So the neighborhood planning contact team is opposed to the postponement? Did I understand that correctly?

>> The contact team is opposed to the postponement, yes. and they're normally the body that represents the --

>> yes. -- neighborhood in these matters?

>> Yes. what is the neighborhood's position? The contact team?

>> The contact team and the individuals have spoken are opposed to this. They were part of that group. They were at these meetings. They did participate and we actually have some individual meetings with them too separate from the contact team at their request. thank you, Ms. Lopez. Question for you.

>> Tovo: Ms. Lopez? Council member Tovo. It's my understanding that at the point where you altered the plan to accommodate some of the feedback that you had received, that you willingly went back to the -- or you voluntarily went back to the planning commission. Is that accurate?

>> Yes, the two things we did, even though we weren't required because the modification was lower zoning, we could have come to council on September, I believe it was 27, and you all could have decided to act on it or send us back to the commission. We just felt the right thing to do was go back to the commission that voted on this but it before we wanted to go back to the contact team and the earliest they could schedule us was October 4, so that dictated when we could go to planning commission. and then remind me of the tax code. You said the application is already at the state for the tax credits and a delay would -- would alter that time?

>> Yes, it would.

>> Tovo: okay. Thank you. so the question is, on the postponement -- I'll just say that I'm inclined to hear the case tonight, but realizing that you can decide to postpone it anytime, but given what has been stated by the applicant as far as the viability of the project with a delay, I would be in favor of going ahead and hearing the case. Mayor, I have a legal question. Mayor pro tem. I know that we normally take a postponement from each side the first time that they ask it, but I want to ask Chad, who is -- officially isn't the neighborhood contact team the representative for the neighborhood?

>> I'm sorry, I forgot where the button was. I apologize. that's a question I just asked. Who has standing to request a postponement on behalf of a neighborhood? Is it the contact team or an individual?

>> Well, I think since this is just a practice of the council, I think in the end it's up to you to recognize or not recognize the body. So I'm afraid I can't answer that question. It's really your decision in the end. there you go. Clear as mud.

[Laughter]

>> that's why you ask an attorney.

[Laughter] council member morrison.

>> Morrison: thank you. I wonder if you could help us out because as I recall at planning commission there was some discussion about some real concerns about the dynamics and the functionality of the different organizations, et cetera, at the neighborhood level, and there was an outcome from their discussion, a resolution that the planning commission actually approved related to sort of some of the -- some of the issues that were going on, just to sort of -- I just want to lay out that it's been very complicated.

>> Well, generally the contact teams act independently. They are basically provided for in our ordinances, and they do make recommendations regarding bringing applications forward to change a future land use map and making recommendations on a future land use map. They're not specifically in the zoning process, so they can't initiate a zoning case, but they can certainly comment on a zoning case. I think this has been a fairly contentious issue regarding contact teams. I know that I've sat down with suzanna almanza regarding oppose dare -- or the -- poder or montopolis contact team. So there is clarity in the future on how the contact team acts as the neighborhood. The commission I think asked for staff to work with them in creating more direction so contact teams have more clarity in the future about how they operate and what's directions that are appropriate. But in general, whether it's the contact team or a neighborhood organization, adjacent property owners, i think all of those folks can certainly come before you and ask for postponement, but as chad said, I think it really -- it's your discretion on what you want to do with the postponement or not. thank you, greg, I appreciate that. Because it's sort of a messy part of our democracy but i think the council has tried to move ahead and make the most appropriate decision at each time and I guess I'd like to say I agree with the mayor. I think that it would be appropriate to move forward with the case tonight. As he said, if we decide at some point to postpone it since then, but I do know there's just been an extensive amount of conversation between all of the different parties on this case already, and i feel prepared to hear the case myself. rusthoven just mentioned to me there's a memo coming to council discussing that very issue, the commission did. is that a motion to deny the postponement by council member morrison? Seconded by council member martinez. All in favor of that motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no? Passes on 7-0 so we'll hear this case but not right now. We're now in recess and we'll be back approximately 6:45. Wit enmeyer wittenmyer mentees c14-05- estanciadimare dimare estancia dimare estancia eassistance yeah gol ba buy goal ba buy

>> tonight to introduce our performer, waldo wittenmyer, who is a singer songwriter here in austin. He is the front man of waldo and the naturals, which is a band that developed a unique place in the austin community. Their definitive take on '60s rock pop has created new approach that blends elements of soul, orchestration and blues in a tasteful and cohesive form. Drawing from stevie wonder and brian wilson as from animal collective and beach house, the invention of classical music compositions is far from nostalgic, creating a sound entirely recognizable as their own and pushing the envelope of what we view as popular music. Besides playing in the naturals, waldo works as an audio engineer and producing, booking coordinator for different clubs around towns and plays in several other bands and his work has left a very positive impact on the live music capital of the world. So please join me in welcoming waldo wittenmyer.

[Applause]

[ 🎵 music playing 🎵 ]

[ 🎵 music playing 🎵 ] sherri mathews whale en on.

[Applause]

>> thank you.

>> Thank you. We appreciate you being here. That was fabulous. Can you tell us, do you have a web site?

>> Yeah, it's waldo in the naturals.com.

>> Waldo and the naturals.com?

>> Correct.

>> Terrific. And let us know when you'll be performing next.

>> I'll be playing october 25 at the parish, with grandfather child.

>> And where can someone purchase your music?

>> Well, I usually have cds at any show. Actually all of our music is on-line for free, streaming. If you go to the web site you can hear everything. thank you very much. And it's my pleasure on behalf of the mayor and the city council to present you with this proclamation. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre, our music scene thrives because austin audiences support good

music produced by legends, locals and newcomers alike and we're pleased to showcase our local artists, now, therefore, I lee leffingwell, mayor of the live music capital, do hereby proclaim october 18, 2012 as waldo wittenmyer day. Thank you again for being here.

[Applause] momp heck man ladies and gentlemen, welcome to the city of austin public service employee memorial ceremony for officer jaime padron. Present the colors.

[ ♪♪ Music playing ♪♪ ] easter link

[ ♪♪ music playing ♪♪ ] easter link

[ ♪♪ music playing ♪♪ ] please join me in the pledge of allegiance. I pledge allegiance to the united states of america, and to the republic for which it stands, one nation, under god, indivisible, with liberty and justice for all.

[Drums]

[ ♪♪ music playing ♪♪ ] please be seated. Today the city of austin celebrates the life of senior officer jaime padron and recognizes his invaluable service to the city of austin. Officer padron was killed in the line of duty on april 6, 2012. Today he will be inducted into the city of austin public service employee memorial. The city of austin established the public service employee memorial in may 2011 to pay tribute to all employees who have lost their lives while serving with dedication in their capacity as city employees. City manager marc ott. .

>> The city of austin is dedicated to honoring the lives and service of our friends and colleagues through this public service employee memorial. The memorial is comprised of unique carvings created by retired police captain john vasquez, who has been inspired to embody the spirits of those individuals whose lives were taken all too soon while providing service to our great city. On behalf of the city I once again extend our heartfelt condolences to the families and members - - to the family members and friends of senior officer jaime padron. I appreciate your presentation here today leang as we pay tribute to an outstanding public servant and remember his impact on our community. I also want to thank you for sharing your memories and stories of jamie's life so that his contribution and service may never be forgotten. Finally, thank you to the departments and staff who have worked on this important project. Your efforts are appreciated as well. At this time I invite our chief, chief alcevedo, to join me in the unveiling of jamie padron's figure yur een. This likeness will be placed in the memorial along with a biography of officer padron so future generations may admire and learn about this honorable officer who served the city with great valor and bravery. Chief? good evening. I'm honored to be here today representing the austin police department and the men and women of our great organization and I want to first of all recognize jaime's daughters, izzie and liana and amy, and obviously his mom, soila, and linda his sister and brother-in-law johnny. Thank you so much for honoring us.

[Speaking in spanish] as many of you -- as most of you know, officer padron lost his life on april 6, 2012 as he responded to a call at the wal-mart off of i-35. When jaime approached the suspect, the suspect without any -- any warning whatsoever obviously engaged officer padron and sadly took his life by shooting him with a semi-automatic pistol. But you know, we're not here really to

think about his death. We're here to honor his memory and honor his sacrifice. Jaime didn't just serve here in the austin police department, he truly lived a life of service starting his professional service in the united states marine corps, serving in both desert shield and desser storm. He served with the san angelo police department and if you don't believe he made an impact there just remember and I remember, i recall the tremendous response of that department of his coming he's in that department, the people in that city and how much he meant to that community and how they responded. We were very lucky to have landed jaime thanks to the leadership of the mayor and the city manager and the council and the great people of this city that treat our officers with so much respect and really value their service and provide pay and benefits that are second to none in this state, and some of the best in the country, and the environment that it is to work here, we were able to steal him away from san angelo. And I had the blessing of getting to know jaime. Jaime was a guy that always had a big smile, had a big heart, never ever frowned, was the can-do guy in the department, was the guy you'll always remember for that sky you see behind you, that smile that can light up a room. And I'm so thankful captain vasquez and city manager ott and council for these figurines, not just for the police department but for our entire city family that lay down their lives that we are honoring their memory, honoring their sacrifice, keeping them alive and what they represented alive. So I want to thank you all for that. And in closing I really want to say that I know that jaime is in the perfect state right now. My heart of hearts, i realize that, that he is in a perfect place. He will never ever be forgotten, and you see all the first responders in the back and our men and women, and we will continue to honor his sacrifice, the sacrifice of the padron family and the padron girls, by serving with the honor that he served with, by serving with the professionalism he served with, and most importantly, by serving with the smile that as I said at his funeral, a smile is an absolute sign of strength and confidence, anaheimy and the way he conducted himself exuded that every day. So thank you all. God bless the padron family and the girls, and thank you for doing this and thank you all, mayor and council, for being here and for celebrating the life of a great man and the sacrifice of a great family. Thank you very much.

[Applause]

>> thank you and thanks to all the officer who are present here tonight. We appreciate what you do every day. And I'd also like to welcome the family of jaime padron. Would you like to come up and join us her the front of the room? Room room

>> the city of austin distinguished service award, this certificate is presented in recognition of officer jaime padron, austin police department, for his dedicated service to the city of austin and its citizens, and above all, for having given his life in the performance of his duties a april 6, 2012. The city established the city of austin public service employee memorial in may 2011 to honor all the men and women who have lost their lives while serving faithfully in their capacity as city employees. To celebrate the life of officer padron and to honor his great personal sacrifice on behalf of the citizens of austin, jaime padron has been commemorated on this day in the public service employee memorial. Presented this 18th day of october in the year 2012. Signed by myself, lee leffingwell, and city manager, marc ott.

[Applause] this concludes our ceremony. Thank you all very much. it's my honor today to welcome a very special group. I'm reminded several years ago, right after I became mayor of this

city, one of the works in progress we had at that time was we were making some changes to our board and commission system, and in the process of doing that somewhere along the way the name of the mayor's commission for folks with disabilities was changed to the commission for people with disabilities. And right away I heard from -- I heard from them. They said, we don't want to be -- we want to be the mayor's commission for people with disabilities. And so they certainly knew how to win my heart, and i feel a special responsibility and have always been privileged to read the proclamation for them, both here and in the ceremony we're going to be having in a few days at a hotel in north austin somewhere. It's on my calendar, anyway. I'm always honored to be there. I'm going to read this proclamation to you. Be it known that whereas more than a million people with disabilities have entered the labor force since the passage of the americans with disabilities act in 1990, enabling them to contribute to our society and to their own fulfillment of the american dream, and whereas, disability mentoring day provides an opportunity for students and job seekers with disabilities to shadow an employee at their work and to gain insights into possible career options while enabling employers to recruit new talent for internships and employment, and whereas we commend the team of local organizers working with the mayor's committee for people with disabilities who arrange the mentoring opportunities for disabled citizens and thereby help them realize their potential and encourage their full integration into the workforce. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 17, 2012 as the tenth anniversary celebration of disability monitoring day in austin, texas. So with that I'd like to moe to accept this proclamation and say a couple of words.

[Applause]

>> thank you for this proclamation. I appreciate it. And my day at fiesta was good. It was a good day. And I restock shelves and bag groceries. And -- I used to do that myself.

>> And that's it. thank you.

[Applause]

>> thank you, mayor leffingwell, for that proclamation, and I also do want to thank council member chris riley for attending disability mentoring day reception. I think that you were asked to be there an hour earlier than you needed to be, so i really -- I hope you enjoy -- I hope you enjoyed the program and the festivities. My name is denise sonleitner and I'm the local chair for disability mentoring day and I also serve on the austin mayor's committee for people with disabilities as a family representative. I also want to introduce this group back here behind me. They are here from college living experience, and several of their students participated this year in disability mentoring day. Dmd is a national event hosted by the american association for people with disabilities. The austin mayor's committee for people with disabilities is locally hosted this event since 2003, which makes this our tenth anniversary and our local theme for disability metropolitan ring day is putting dreams to work. Disability mentoring day gives high school and college students the opportunity to job shadow with a career professional and learn what it means to work in their field. Students observe a typical workday and identify the skills and education necessary to enter a particular job or career, which would probably be beneficial for any high school or college student. Equal important, disability mentoring day gives

employers in our community an opportunity to learn more about employing people with disabilities, making work places accessible and how to provide accommodations with a person with a disability. This year we had 95 students from area schools, including acc, austin community college, hays, austin and del valle school districts, texas school for the blind and visually impaired and school for the deaf. The process is students tell us what career they want to explore and we match them up. They job shadowed with open david's church, brown mccarroll law firm, statesman, true lux, furniture company, mellow johnny's bike shop, state agencies such as dars and department of family and protective services and my favorite match that we did this year, one of our students from texas school for the blind and visually impaired, she wanted to explore a career being a mariachi singer. I said let's -- she also said detective and I said let's do mariachi this year. We matched her with mariachi texas. One of the really valuable lessons learned is if you're a mariachi singer you have a day job also. That's a valuable lesson for her to learn as a high school senior. I also don't want -- I also want to recognize city departments who participated in disability mentoring day, aviation, economic growth and redevelopment services, financial services, city of austin botanical gardens, the austin police department, and with the austin police department i do want to give a special thanks to greg olson with austin police department. He has job shadowed our students every year for the last ten years and I'm very, very grateful. I also want to recognize mike hawkmilller from the human resources department who led our job panel and our open mic of our students and dolores gonzalez, of course, and her assistant lee wynn and the city of austin ada office. Mentors give young people -- somebody younger than them guidance. They give them just -- give them some opportunity to grow and whether it be in education or in job or, you know, just a particular experience, and mentoring can happen over the course of a lifetime. It can happen for a brief period of time. In our case it's a one-day event, and the opportunities and the insight that our disiewnts get for three hours job shadowing with employers is invaluable to them and our mentors, employers, have learned a lot during that three hours about what it means to employ a person with a disability. So I do thank you for supporting our event.

[Applause] figurine figurines figure yur eanes mcdermott well, in case you didn't know it this is food week in austin, texas, so of course to honor food week we have a proclamation. And which I will now read. Be it known that whereas the type and quality of foods we eat can play a significant role in our community's health, including prevention of chronic diseases and obesity, and whereas supporting a healthy, affordable local food system enhances economic health for local families, food growers, producers and retailers, and whereas local organizations are coordinating numerous events during the fourth week in october to raise awareness of and demonstrate the need for a local food system that promotes health, sustains resources, is accessible to all austinites, and whereas we urge all citizens to participate in food week events, to shop at one of our many farmers markets, and to dine at area restaurants that source locally grown and produced ingredients, activities that support the continued development of a sustainable local food system. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas, do hereby proclaim october 21 through the 27th, 2012 as austin food week. Congratulations to all of you and thanks for the work you do, and I believe we have paula mcdermott to come up and say a few words. Paula? Thank you.

[Applause]

>> thank you very much, mayor leffingwell. And I just wanted to let people know in case people don't know that loik earth day across the nation -- like earth day there's been proclaimed a food day, and that is actually october 24, and our -- this is the second annual food day, and there's a wonderful organization that puts it together and a lot of people involved with the movement across the nation, and if you go to their web site they have a lot of wonderful resources. It's just food day.org. But I do think it is a remarkable thing that our city has gone and made it into a food week, because we like to do things big here in central texas, and we have a lot to celebrate in the realm of food and beverages, and also just the work that our policy makers have started doing in terms of looking at this from a governmental actions that can help to create a stronger economy, make sure that everybody has access to good food that really does provide nutrition and is produced in a just and sustainable way. So I do just want to pay homage, first of all, to all of the people who grow our food, and it's not an easy task here in central texas. So there's a lot of folks that are working really hard at a lot of different levels to produce really good food, and I also would like to pay homage to all those who support those who grow our food here, through community supported agriculture, through direct sales at farmers markets, at farm stands, the businesses that think about supporting our local producers when they hold events, when -- at businesses, the retail that stocks that food. It really makes a big difference. And I also just want to thank all of you who actually grow your own food and think about composting food and recovering the food that could be going into our landfills and all of that is a really big deal. So our board -- we have a -- I don't know if everybody knows it, but about three and a half years ago the policy makers at the city and county level here decided to create a joint advisory board to help advise policy makers on issues related to food and farming, and the charge of our board is really pretty widespread. It's -- it encompasses food as a basic human right and also just strengthening the whole food system from production through consumption and even waste recovery. And there's been a lot of progress happening in the last two and a half, three years since the board has been in action. And I want to announce really quickly before I turn it over, that on monday our board, which is called the austin/travis county sustainable food policy board, is having a meeting at the community at the millennium entertainment complex on the east side. 00 in the evening, and this is an opportunity for folks who work during the day when we usually have our monthly meetings to be able to come and voice any concerns, insights, ideas that relate to food and farming. And -- but we're also available, you know, through the city web site for any input, and we have working groups that are working on a whole vast array of topics from making sure that it's easier to get snap benefits here. Snap is the name for food stamps, and things like that, all the way through just, you know, making sure that there's easier access to retail and farm stands and farmers market issues, a lot of different things. And recently our council approved an economic analysis of our food system, which I think is going to give us some really important data. So with that I will turn it over to marshall jones, who is from the texas wine and food foundation.

[Applause]

>> thanks, paula, I think everybody else must be at happy hour. I guarantee you there are more people at our usual meetings. I'm honored for the second year. Second year it's been a food day. It's a national deal, austin celebrated both years. I'm honored to be a co-coordinator the second straight year. What I would say is this is really about local, affordable, sustainable and fair food and farming practices, so I would challenge you all on food day, which is wednesday, october

24, just to do me don't eat in a fast-food restaurant. Don't open a box. Don't open a can to eat your food. For one day, one day only, eat real food. Thanks.

[Applause] good evening, everyone. I'm council member laura morrison and now we're moving from food to native plants. And I guess it was in 2009 there became a new state law that said that this week in october, every year is going to be texas native plants week. And so I'm joined here with jessica wilson, is that right? With watershed protection, in our watershed protection department, and you know, the city has some terrific programs encouraging folks to grow native plants, because it's such an advantage, obviously, for the environment, but I think it's so important also to keep in mind for long-range in terms of preserving all of our species, and then also just in helping to define the sense of place that we have here in the city, in this wonderful city that we live in. So we're here to proclaim this as texas native plant week. So I have a proclamation from the -- signed by the mayor. It says, be it known that whereas in 2009 the third week in october officially became texas native plant week, to emphasize the role of native plants and conservation efforts and educate children about the importance of native plants. And whereas native plants are beautiful and help maintain our region's wide variety of flora and fauna, but also help conserve improve water quality and provide wildlife habitat, and whereas, a host of activities are taking place during the week including garden tours, educational talks, a plant swap, a volunteer tree planting and the tree of the year celebration, and whereas many city departments grow green nurseries, leab johnson wildfire center, texas parks and wildlife and native plant society of texas are sponsoring this week's event. Now, therefore, signed by lee leffingwell, mayor of the city of austin, do hereby proclaim october 14-20, 2012 as texas native plant week in austin. Congratulations, jessica.

[Applause]

[one moment, please, for ] ecl)

>> is.

>> Morrison: And it is also archives week in the city of austin and I am joined by meg eastwood who is a master , working on archives and there is no doubt historic preservation is one of the huge values that we have in this community and it's challenging to really be label to maintain all of our wonderful buildings and all, but one of the absolutely essential elements, of course, is archiving and so this is a week to celebrate that and raise awareness to that, so I am pleased to be able to present this proclamation, it says be it known whereas the society of the american archivist, the university of texas student chapter, in conjunction with the austin history center sponsor a week long series of events each year to promote archival issues and trends that are of interest to the local community. And whereas these events raise awareness of archives and their function in society, highlight current local preservation efforts and provide a free civic forum to discuss archival issues in austin and whereas this weeks will provides an opportunity to recognize and support the people and programs dedicated to documenting and preserving our cultural heritage for the enrichment after all texans, i, therefore, lee leffingwell, the mayor of austin texas proclaim october 22-27, 2012 as archive week in austin, texas.

[Applause]

>> so sa ut has three events planned for archive week and they are all open and free to the public, monday, , karen tranell who is the fashionist at the new york fashion institute in fork city will be speaking at the student activity center , the authority of levi strauss will be speaking at texas union and she will be bringing the world's oldest pair of blue jeans as well as others from the archives to share with you and , at the austin history center we hope you can join us for the archives clinic where we invite you to bring wedding dress quilts, anything you won't preservation advice on and we will have archivists and conservators on hand to help you best preserve your family heirlooms. So thank you very much.

>> Morrison: Thank you very much. Let's take a picture.

>> Cole: Well, I thought you had some fans, are they coming down?

>> Yeah.

>> Come on. Come on down.

[Applause].

>> Cole: The last one here, the last one here. There we go.

>> Cole: Get back here so we can take a picture. Come on. There are public servants and then there are public servants. And linda guerrero is a true public servant. She has given her time, her energy, her talent tirelessly to this city and, for that, all of the citizens of austin are truly grateful. A and I am honored to be able to honor her today in the proclamation I will now read. Linda guerrero is deserving of public claim and recognition, cutting her teeth with cultural and neighborhood activists and for her city wide activities influenced by her father who worked for the parks department, linda served on city parks board for ten years. Eight of them as chair. Under her visionary leadership, the board recommended amending the park land dedication deed ordinance which expanded funding for parks and open space. Linda continues to make impact on our city, participating in city works academy, serving on bond advisory task force for 2012 as parks board representative to the downtown commission and chairing the lake austin task force whose formation she initiated.

>> Thank you.

>> Cole: You are my chair and my appointee. This certificate is presented in acknowledgment and appreciation of her savvy, her positive impact, her vision and her leadership. This 18th day of october, in the year of 2012, the city council of austin, texas, mayor lee leffingwell, mayor pro tem sheryl cole, chris riley, mike martinez, katherine tovo and bill spelman. Thank you.

>> Yeah.

[Applause]

>> I am deeply touched and honored. I grew up in parks. Those are my first memories, in parks. Some of any greatest pleasures and play time was in parks, and I think that the best part of this commitment has been the ability to continue my father's mission and to be able to insure that the community have access and quality in the recreational department, is services and program -- services and programs, always the emphasis on the fragile population of our youth and our elderly. In addition to that, it has been a complete and divine privilege to represent the community, the stakeholders, all of you, the radicals, the community leaders, the stakeholders. You are the brightest, smart es, most talented people i have ever encountered in my life and you are the greatest gift and i appreciate the lessons and enlightenment you have given me over if years and I want to thank mayor pro tem cole for her vision, to come in and to start to look at our parks systems that are existing and she is now creating a process where we are now going to have not one, but two urban parks soon and with the mechanisms and process that are coming forward with the leadership, palm park and waterloo are going to become state of the art urban parks and we are really grateful for your vision and leadership. And then, lastly, I hope that you all realize that the beat will go on and that we need to join together and we need to stick together and right the wrong. So I hope we will continue to do that. Thank y'all so much.

[Applause].

>> Here is a place right here.

[Applause]

>> Cole: We know with the national discussions and the state level and local level that our population is aging, and we are continuing to be challenged to provide for us as we do that. Today I am presenting a proclamation as save for retirement week art padilla and it is be it known the cost of retirement in the united states continues to rise, in part because people are living longer than ever before, and because retiree health care costs continues to increase at a rapid rate and whereas social security was never intended to be the sole source of retirement income for families but many employees are not aware of their retirement saving options, nor have they focused on the importance of saving for their own retirement. Whereas all workers can benefit by developing personal budgets and financial plans that include retirement savings strategies and whereas this week is designed to call attention to the need for workers to save for retirement and to familiarize themselves with the tax advantages of retirement savings vehicles available to them. Now, therefore, i, lee leffingwell, mayor of the city of austin, do hereby proclaim october 21st-october 27, 2012 as national save for retirement week.

[Applause]

>> just a couple of quick remarks. The city of austin for its employees offered a deferred compensation program that is free to enroll. It is open to all employees for the city and regardless of status or time served with the city. It is a great way to save for your future, to not depend on a city pension, on social security. This is a chance for each of the employees to take advantage of the opportunity to -- to have some say in how their future is going to be after they get done working. The 457 plan is a tremendous asset to employees. It is not offered by a lot of other city -- cities around the country, but to take a chance to invest in that and have some -- have a steady,

secure income once you retire is an important thing and I really appreciate the city offering that to the city employees. Thank you.

[Applause]

>> we are out of recess and we will have a presentation and present a public hearing for 85 and 86 together and when that's done, we will vote of them separately. One the zoning case and the other one.

>> Mr. guernsey.

>> Thank you, council, greg guernsey, review department. Item number 85 is a neighborhood plan amendment an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive

>> To a multi-family residence medium density neighborhood plan or mf3, mp combine district zoning on the property we are talking about is just over 9 and a half acres in size. It's undeveloped currently at this time. Surrounding properties in the retiree are mf3 to the east and mf, ru and mp to the east and to the west and sump to the south. The proposal is to develop the property with an affordable housing project of approximately 252 units. It is located in montopolis neighborhood planning area and the contact team has voted to recommend the request. As it comes before you, both the staff and the commission have recommended the change. There is some differences to the recommendation by the planning commission and let me say that the staff recommendation on the neighborhood planning -- on the plan amendment was to grant the multi-family residential -- the planning commission, in moving forward to recommend that on a 9-0 vote, also, recommended the zoning change. The zoning change to mf3mp, I would have a conditional overlay added to it, that would limit the vehicle trips to 2,000 per day. They did not impose a cap on the number of units, although the tia would probably limit the property to about 311 units because of the tia limitati if they generate more than 2,000 trips they would have to do a tia. The commissions will included in their motion that the buildings adjacent to the proposed right-of-way reserve way would be through the property or on the edge of the property face that reserve area, surface parking would be the entire interiors of the site, sidewalk we provide along frontier drive. On the dyas, you have a copy of the ordinance, and the restricted covenant. There is, I will say, variations of the restricted covenant. The owner has agreed to reserve 70 feet of perpendicular -- to frontier valley drive and propose an alignment that is different from the staff alignment. On the dyas you have in yellow on exhibit b to the restricted covenant. Again, this is on item number 86, an alignment that takes it through about the bottom, the third of the property. That is in alignment that would near the regulating plan for the eastside corridor. That is in the plan and will go before the planning commission next week. That is our intention to bring it forward. I believe the applicant would prefer that the right-of-way alignment be along theth property line of the -- the south line of the area being rezoned and adjacent property would like it along the northern boundary of the area being rezoned and i think you will hear from the speaker and from the applicant to explain their reasoning why for that task force. Mayor, I know you have about 21 speakers who have signed up on this, so I will pause and see if you have any questions and we can go to the applicant's presentation.

>> Mayor leffingwell: okay. Any questions from staff? We will hear from the applicant.

>> Amelia lopez is here to speak on beh of them.

>> Mayor leffingwell: lopez, you are entitled to five minutes as applicant and you are have a bunch of people donating time. Steve helm. Is steve helm here? Frank castillo, george callie, randi moreno. So you have 11 minutes.

>> We have something we would like to distribute to the council. pass it to mayor pro tem and she will pass them down.

>> Great. What I will do -- hopefully I won't take up that much time. I would like to begin by reading a letter that is being distributed to you that basically lines out the process we went through which we started and where we are today. So if you don't mind I will read this so I don't believe anything out. We began this process as any development would begin in city of austin after our internal review due diligence, we met with staff and city of austin planning and development review department to determine a feasibility of the project and the applicable ordinances and requirements. As outlined in the city's process we initiated public process by scheduling a meeting with the montopolis neighborhood plan contact team on may 21st and we met with members of the contact team executive committee to introduce the projects, received input from the committee and to request out of cycle submittal. The executive committee provided input and positive responses but requested that we return to the contact team to meet with the entire contact team. That meeting occurred on june 14, 2012. The contact team voted to approve the cycle submittal and provided support for the neighborhood plan amendment, requested and the zoning change requested. Following june 1st, met -- we -- following june 14th we presented application and presented to city of austin on june 25th for the city of austin neighborhood plan process, public notice was mailed to invite interested persons to attend a public meeting on our application for the -- for july 30th. This meeting was sponsored and led by the neighborhood planning staff member moreen mary beth and jason and the same night following this meeting, the meeting of the planning contact team was held and again, voted in support of the neighborhood plan and the zoning request change. For the next three weeks, we received input from city staff and neighboring residences, which we incorporated many of the suggestions and requests into our plan. A number of residents in opposition to our project requested a meeting -- a separate meeting, which we had and we met with them on august 24, and this was primarily at the arbors condominium complex, where we discussed connectivity, street parking and how our plan fit into the neighborhood among other things they mentioned to us and asked questions about. On august 28, the staff provided positive recommendation to the planning commission, and the residents requested 30 day postponement and received 14 day postponement we did not oppose. During the postponement period, city staff and our team met on september 4th to discussed the project further and input was provided and we made a couple of additional modifications to the plan so one thing is constant we kept modifying our plan for every meeting. Zoning and neighborhood plan staff provided recommendation on september 7th, prior to the planning commissions and -- september 11th and prior to the commission meeting we met and discussed all of these changes that have been occurring during the process with some some of the commission member those try to get input and any questions they may have. After the presentations from staff, our team and supporting opposing -- opposing and supporting

residences, and any general discussion by the planning commission members, commission supported our project of 6-1-1 vote, and we were scheduled for discussion by action by council on september 24th. Based on input we received at that meeting and afterwards from various parties, we requested a postponement at september 27 for the council meeting to allow us voluntarily to meet with the contact team and the planning commission to present our modification so we had made based on the input we receive and requesting consideration. The residences in opposition again requested postponement, the commission denied the postponement and heard our case. They provided the -- the staff still suched our project and the commission vote in the favor of our project with a 9-0 vote. Our case has already been delayed at least twice as a result of our client wishing to continue to work with the residences in opposition and our offer to voluntarily return to the contact team and the planning commission to provide the most updated information this case came before you. Our voluntary action was in an effort to provide council with a comfort level that all parties were able to review, comment and act on the most recent updated modification. In addition, we did not shortcut or expedite the process to buffer time for more postponement requests but today's request. City council understood our deadlines of october 18th and y'all had supported the october 18 -- 11th hearing, unfortunately, because of the notification process, it brings us today to october 18th. This brings us to today and after all of these meetings, all of these discussions and all of these modifications, we met with supporting and opposing residences, representing adjoining ron thrower, the neighborhood planning staff, long term planning staff and the planning commissions and council offices to get as much input as we could. We have incorporated many of the ideas and suggestions into our plan. We have explained why we did not incorporate certain ideas and suggestions into our plan at the same time. Our project has changed no less than 10 times because of all of the community involvement that we have had and we have encouraged. We have had as many changes we can do, subject to the project and market feasibility. The residents in opposition, again, as earlier were requesting a postponement. We feel this plan presented to you today is the best plan for the nearby residences, the montopolis community, the city of austin and our compliant. We respectfully ask for your support on our projects, which will provide 252 units for workable, affordable housing units as provided and ask for your approval on neighborhood planning zoning request. A point of clarification, even though it is not a conditional overlay to max out the units, because the way the application has gone through the state for the tax credits we are limited to 252 units, so I want to make sure you knew that. We wouldn't be able to add more or less of those units. Very quickly, what I would like to do -- the picture before you -- this is the model that was -- has been done by the developer for -- that's going to be the model to be used for the cesar chavez foundation project. To give you an idea of the quality and the style and the design and what it will look like. It will be a very attractive. It is going to be very quality driven project and a representative from cesar chavez will speak to that in a moment. The next -- this is the recreational amenity area. The next thing I want to show quickly is this exhibit right here includes the three different alignments for the connectivity that we have worked through. The very first one, closest to riverside, that one was the one that was in the east riverside master plan. And that actually worked out ideally because it splits the multi-family project from the commercial tract that the between us and riverside, and although it's a time of commission, we offered to go ahead and dedicate the 37 and a half feet, of half of the right-of-way in this particular case, given everything we have gone through, we will include 70 feet that is in your restricted covenant on that. The next one, the line in the middle is the one that once we went to plans commission and got approved there, the other plan was released a week or so after that

action and that was the alignment that the regalene plan show and we modified it and tried to shift the buildings around to try to make it work. That is actually not the most desirable, primarily because it does shift the biggest amount of the development to the north of that and it kind of squeezes into the area, to the far north of the property which could impact the water quality detention area and we don't have contact exact on that but -- we don't have exact on that but we are very concerned about that and the last line you see there to the north, that is approximately 1,000 feet from east riverside in response to a request for consideration that was presented to us by mr. thrower for his client. That one basically splits our project in half in two components and we will show you a site plan real quickly about that, but if we had an option for y'all's consideration, I realize staff is recommending the re regalene plan site but we refer to have the very first one closer to riverside or the one to the north, close toast the north portion which is 1,000 feet. This plan right here shows you the 1,000 feet before we met, had one of our final meetings with city staff of planning commission approval on the first one. On frontier valley, you will see on this particular site plan, we took into consideration staff recommendations that are involved in the regulating plan to go ahead and provide those buildings on frontier, which would be the bottom of the exhibit and should be on the screen, facing frontier valley which would meet the intent and spirit of the regalene plant and in addition to that, you have the connectivity, if that's the area that the council chooses to go with, so the three conditions that the commission has mentioned in their overlay were things that we had offered up, not knowing when the regalene plant would be adopted and that would include the allowance for connectivity and locating the street frontage on the property, not just on frontier valley but also on the proposed future street where the connectivity would go. Buildings would be placed facing in that direction to meet that intent and then the other thing, lastly is to provide pedestrian friendly sidewalks in alliance with the real which is 12 -- the regalene plan which is the sidewalk and you have your bench area and the landscaping and so that, kind of in a nutshell is basically what we have gone through, what we have ended up with. I do want to say that we have worked very, very closely with the neighborhood groups that were supporting and opposing this project. We have responded favorably in practically everything they have asked us to do and everything we have, there have been more requests. We are out of everything we can do. We have given everything we possibly can so we ask council to please support our request for those items.

[Buzzer alarming] thank you. thank you. Those in favor of the question, susan almanzo, welcome. You have 3 minutes. Okay. We will put you down for a sixth.

>> Good evening, mayor, city council, mayor pro tem, I am susan almanza and the president of the montopolis neighborhood plan contact team. I feel like I am the phosphorylation debate. There is a lot -- I feel like I am at the presidential debate. There is a lot of misstatements that have been made and I feel like we should have one of those statement checkers, somebody to check the misinformation, fact checkers because there have etch been statements immediate about what the planning commission say. I think we need to look at the transcription. That's all I have to say about that. Right here before you, you will see the montopolis neighborhood planning areas for those who don't live there. It is growth boulevard, montopolis to the west, 183, 71 sort of to the east, and the montopolis community is made of 82% latino, 10% african-american, 7% white and 1% other. And here are the groups that have been supporting the montopolis you heard earlier that they represent the montopolis community. These are the groups that represent the montopolis those are newcomers and they do have a voice but we have people

who have been there decades, some people whose families used to ride horses. That's how long we have been there in those communities. We also have a lot of housing advocates that are supporting this case, Mike Rogers, Ruby Roa, and others and countless people who you have seen in the backup material. Also, I think I skipped. Here are the meetings that we had. As you can see, six months it is Montopolis contact team has been meeting. You can see just about every month since this case started here. We haven't missed a month of meetings. It has been long and hard. Here is our officers and you will see that there is element the same officers on the Montopolis neighborhood association and like I said, Larry Gross did not resign because he resigned for personal reasons, and Pam Thompson was going to be asked to resign because she hadn't attended a meeting since February. Those are just some of the facts that we need to get clear on right away and another thing I want you to look at is here is a letter that was actually distributed by Kaitlin Harris Moore president of the homeowners association, KJ Connor at the Arbor of Riverside Condominiums, at that time they were homeowners association and their reason for fighting the affordable housing they give in this memo, it says if the 252 buildings are built space built it will bring 215 additional police incidents a month with 3 arrests a month. If the 252 affordable units are built, only 30% will speak English. If 252 units are built, it will add 50 cars parking outside of the complex on the street. If the 252 -- we want -- we don't want the 252 units because we want to attract higher income residents and higher quality of retail. And that same flyer that is before you says, and it will bring the property values down. Here are a group of residents that live in one little section, front Tera Montana except for KJ Connor who lives in condos, the rest live in affordable housing on the Montana, they are energy efficient, some are low interest loans. I mean they just -- they live there, they are new to the community and now are fighting the affordable housing and I think it's a real irony, because the Montopolis community supported that subdivision and now, here we are trying to bring some affordable apartments and we have develop opposition from the people who are live willing in affordable housing and I think -- and I think that for them to say they truly represent the Montopolis community is not true. It's not factual. Like I said, those 7 neighborhood associations, those families have been there for generations. They have been there. Those are the real true representatives and it is the communities of color who understand the need for affordable housing and I ask you for losing 1700 units -- and the other thing I want to point out to the public is 60% median income for family of four is 44,940. This is not a poverty project, okay. I want to clear that with them. -- I want to clear that with them. We lost over 1700 affordable housing units along the east Riverside corridor. The city of Austin has a need for over 39,000 affordable units and I want to end with this quote: Without a sense of caring, there can be no sense of community. By Cesar Chavez. Thank you. Thank you. Angelica Nyola and after Angelica will be Rainy Ranjel.

>> Hi, I think Monica is going to do with her time.

>> Mayor Leffingwell: Monica who? Monica Allen. Okay. You have 6 minutes. 1700 units were lost on the Riverside corridor as of today. There will be more units that will be lost as the process continues. One building in particular lost 100 students from Sanchez Elementary. That was one building, those families, those students, the mothers and fathers who work hard; they had to go somewhere. Where they went, we don't know. But we how old like to invite them back into their community to get back into their home schools and having affordable unit such as this, one that the Cesar Chavez Foundation wants to develop in Montopolis, that will allow us to do that. You will hear ability crime waivers, how the crime rate increase having affordable project come in.

That is not true. The Montopolis neighborhood had its crime decreased according to APD crime stats by 2008 and repeatedly dropped in its crime rates and that is a very, very, very big step. We continue to drop our crime rate because as neighbors we come together and we make sure that things are going right and that we are keeping our crime down. Also, I would like to make a point that you will hear a lot of individuals saying that, you know, things that are -- I will put it out there. They are not nice. There has been a lot of back and forth, back and forth, but I would like to thank the Cesar Chavez Foundation and their staff for being considerate and going beyond what I have seen most developers do when it comes to neighborhoods, in order to make concessions to try to make things fit for everyone in the neighborhood. I speak for myself in the family and my household and for other neighbors, but I will tell you, unlike others who state they speak for everyone in Montopolis, I speak for the ones who stand behind me and I think everyone needs to have a say so. Take into consideration one cul-de-sac over the good of the entire community, which expands such a large area, I think we need to make sure that we look at the community that we are serving and like I said, affordable housing is very, very important and very needed and we need to give people a place to call home they can afford. A lot of people are one paycheck away from being homeless and I personally don't want to see any families homeless. Thank you. Thank you. Janie Rangel. Not here, Sonny Seyorita. You have three minutes.

>> My name is Sonny Jarita and I oversee housing projects in Texas for the Cesar Chavez Foundation, many know him famous for labor rights but he also founded the National Farmworkers Association which is now the Cesar Chavez Foundation. We assist with housing, education, communication, legal assistance and financial planning. The housing and development department has grown the last 20 years and manages 40 apartment communities in California, where Arizona, New Mexico and here in the great state of Texas, providing housing to nearly 4,000 families, we self-manage these communities and we build and purchase them with the intent of holding on to them for a long period of time. In Texas, we currently have affordable housing communities in Temple, Houston, San Antonio, Farr, Mercedes and in addition to what we work on site, we encourage the site staff to give back to communities where they work in. In San Antonio our community manager is president of the PTA at the elementary school next door to our property. In the Rio Grande Valley our main staff have worked alongside homeowners completing neighborhood beautification processes, we work with local government agencies to change the lives of many families. Recently City of Houston awarded us \$8 million in neighborhood stabilization funds and we renovated apartment community that was basically destroyed by hurricane damage. In Knicks, we were a -- in to Nix awarded \$8 million in neighborhood stabilization fund and we use the money to assist 48 families to purchase their home and then we looked with the Veterans Association and now provide housing to many disabled veterans. In Austin, La Estancia del Rio will provide a first class lifestyle to hardworking individuals and families, one, two, and three bedroom apartment also feature upgrades, including floor wood floors, lines, full size washers dryers, patios or balconies and energy efficient appliances and class amenities including resort style pool and children's splash pad, playground, community center, fitness center, computer lab and controlled access entry. We provide resident services at all of our communities and the children of La Estancia del Rio will have a great learning center. This nationally recognized and award winning program will provide after school here assistance and planned activities free of charge. Our discuss homeworks a stains and we want to work with communities not divide them. I ask for preschool of the zoning request and ask you to support

affordable housing to for austin. Thank you. thank you. Daniel yanez. Daniel will be alfredo, you have three minutes.

>> Thank you. Good evening, mayor and council. I -- this is very difficult for me because I always, you know -- I work really hard to be respectful and nice and positive with everyone, but I have to say that this development, first of all, we need housing at this price level, in east austin. We have been losing it, losing it, 1700, I believe just in montopolis, in that area, all of lake shore has been rubbed out. All of the apartments are being replaced by other apartments that are going to be high dollar so the working class people and the people who have tra traditionally part of montopolis are losing housing stock. The people who are opposed to this project have been using ugly and terrible rhetoric. I have to tell you that I am very, very upset. I am not happy at all to hear, even at the planning commission, look at the tapes at the planning commission. There are -- there are flyers circulating around montopolis with -- with phrases like we don't -- we want the right kind of people to move in here. We don't want poor people in here. There is other red lick like 30% of the kids will be speaking spanish. Guess what? 60 Percent of the kids in aisd speak spanish. This is more than insulting. It is intolerable to have this kind of opposition to sadly and very severely needed housing for everybody. The people who are opposing this want to do other developments, hey, montopolis is big. There is room for everything, room for commercialization, the riverside corridor is ready to rub old stuff out and bring in new stuff. All of the high dollar people will be happy with that. There is a lot of acreage in montopolis where those developments can happen. Why is somebody opposing affordable housing, real affordable housing for working class people who have traditionally had to endure all of the oppression of a racist society, and just when we are starting to create alliances that unify us comes this kind of opposition to this kind of project. You know where I live. I live on the north side of the river. On the north side of the river, we are creating win, win situations with people. It can be done. And, for me, as an individual, in this culture and in our space, in our city, and I am looking at you and you and all of you who I know all of you. I am saying to you that -- at the planning team, it's split, you know -- the latinos and hispanics have been in their neighborhood all of their lives walked this project.

[Buzzer alarming] the white gentrifiers who are new to this area are opposed to it.

>> Mayor leffingwell: okay.

>> You've got to do the right thing here. Support this project. thank you, daniel.

>> There is room for everybody.

[One moment, please, for change in captioners]

>> we have a communications group, that is public radio stations. We have nine public radio stations in the west that does educational polling both in english and spanish and we also have our legacy group which has cesar chavez's library, his burial place. In fact, some of you may have read last week president obama came by and declared that a national monument, and so what I want to stress here is our foundation is about unifying, creating opportunity and doing the right thing. I think emilio spoke about all the outreach that has gone on with this project, our efforts to work with the different groups, to really listen to the issues, the issues of connectivity

for example is one that was brought to our attention and we've addressed, the issues about parking, density. Property management. One of the issues that came up with the issue of decreasing property values, and I at the community meetings discussed, when you look at study after study. I even pointed to certain studies for people to look at, the harvard school did a study a few years back. Property management is the key issue, and if you properly manage your properties, and we don't sell our properties. We aren't going to build and flip and go away. We'll be a member of the community. That really is the telltale in terms of success, both for the residents and the neighboring community. We're a long-term player. We'll be part of the community as sonny talked about. We believe we're a neighbor and we want to have a positive impact with our properties, and we have. We have a history. We're not -- in the organization. We have done this -- not a new organization. We've done this for years. So I respectfully ask you to support our application. I think once the property is built our history has always shown that our property become assets to the community and people look at them as examples of the public/private partnerships we've done and the roughly results we've achieved. So thank you.

[Applause] thank you. Now we'll go to speakers who are against the application. Larry sunderland. Larry sunderland? And you have three minutes. After larry will be ky jay o'connor.

>> My name is larry as you said east riverside. I'm here to oppose the project. I agree with both sides of this issue and I disagree with both of them as well. I agree with the need for workforce housing and i personally want to see east riverside champion good design and denser living in the corridor and all the talk about this project, i have not heard anyone really speaking for the corridor's future residents. Everyone here already has a roof over their heads, and each is speaking to their own special interest, and not in the interest of those who are struggling to find adequate housing in austin. When we were in front of you about this property last year this neighborhood was united in their desire to see single-family homes on this property. How does that square with half this neighborhood's newfound desire to champion affordable housing? I agree with those that think this would be a detriment to our corridor and not because of the tenants it will target because it doesn't do no. If this thing had not wrapped itself in the cloak of affordability it would have been shot down long ago. It doesn't begin to meet the vision, nor does it seem to respect those who will inhabit it. My plea to the applicant is to rethink what you're doing. You really don't get austin. We are all about preserving our neighborhoods. Our comprehensive plan states this up front and often, quoting now, development occurs in connected and pedestrian friendly patterns supporting transit and urban life-styles and reducing sprawl while protecting enhancing neighborhoods. So we have agreed to shove density and therefore our only hope for workforce housing into the corridors. Many of our corridors to be denser, enough to support transit, dense enough to give us the critical mass needed to bring the cost of individual housing units down, and dense enough to replace the aging and squalid projects that now constitute the majority of our affordable housing. You come with a plan that doesn't take advantage to what you're allowed and you become part of the problem rather than the solution. Look at what's available to you to maximize your plan to provide the density that we envision for our corridor in this area. Really, that's it. Thank you. thank you. High connor? Is tracy wit here? You have six minutes. Did I pronounce that?

>> It's kay jay, just a simple -- i wasn't even close.

[Laughter]

>> that's okay. People from miami go high lie, you know. Okay. There's a few things that the applicant said just now, I mean, during the whole process. I am really curious, and i hope you all are too, how the project has changed. How is it different now than it was in june? I hope that you'll go back and take a look, because it's not. It's exactly the same. They have offered to dedicate a strip of land that my bet is, and I've heard plenty of you all and the planning commission say, their bet also, is that 20 years from now that will be an empty strip of land, because nobody has offered to build that road. It is a collector street. -- Collector street. It is very important in the east riverside corridor master plan. We are talking about at least 200 cars, and when they say that there's a cap on the number of car trips, how are they going to limit that? Tell me. A lot of this is just lip service, and frankly, to tell you the truth, I'm absolutely disgusted with the process. I do not feel, and neither do the 42 residents at the arbors at riverside, we do not feel that we have been heard or paid attention to by the planning commission or the city council at this point. I think being denied the postponement today is horrific. I've heard that in 20 years a postponement has not been denied, and we cannot even imagine with the state of our contact team and the fact that no valid vote has been taken for the stakeholders in our neighborhood, we cannot even imagine that you all would proceed with this without knowing what the neighbors think, because it's not been valid. And I don't care what the contact team says. Some of the statistics that she just gave you, like demographics, were wrong, and I hope that you all will take the time to look at our census tract. Montopolis is changing really rapidly, and we may be newcomers, but guess what, in 2020 there's going to be a lot more of us. And it's not -- what we're trying to do is what the east riverside corridor master plan champions, and that is a diverse population. We want -- we want all different races. We want all different economic levels, educational levels, employment levels. We want all of that, and we want a lot of it. We don't have any opposition to affordable housing. We all live in it, for goodness sake. And I do want to talk about the crime statistics that i cited in my memo. We did extrapolate those directly from san tur a village which is 192 units. It's directly across the street. It is virtually exactly what we'll get with the cesar chavez foundation. And also -- how much time do I have left? Any idea? three minutes.

>> Three minutes, okay. I do want to talk about the fact that in areas where low income housing is not concentrated like it is in east austin, we have 712 -- as you can see from my handout, there are 712 close income affordable housing apartments within a half a mile of this complex, of this proposed complex. Across the street, santorah ville easy, it was a revolution in 2007 so you'll go over the 30% in our census tract. And I don't want/anybody to forget those kinds of things. I also want to point out that while we're talking about the crime issue, in montopolis we have 15 arrests per week. In tarrytown they have one per week. They have 52 arrests per year. They don't have any affordable housing. Am I right about that? Yes. They have no affordable housing whatsoever. The other thing I'd like to talk about is -- and i cannot pronounce his last name, head of the cesar chavez foundation, just talked about property management. We have become aware of some very low physical inspection scores and trouble willing asset oversight reports. For many of the ccf properties in arizona, california, new mexico and texas, in addition to building new complexes they have purchased analling complexes that have been allowed to further -- aging complexes that have been allowed to further deteriorate. We do not believe this is an appropriate venue at which to discuss this, but we will be discussing these at appropriate

hearings. Montopolis is at a critical juncture. Our demographics changed dramatically from 2000 to 2010, becoming a diverse population with very diverse needs. The stakeholders deserve to combine our careful attention with yours in how it is redeveloped and how it grows. We are and wish to remain a socioeconomically diverse community that fully partakes in the planned benefits of the east riverside corridor master plan. We support more affordable ownership units, people who actually own homes, don't rent. We are covered up with rent. This is piling on, throwing another 252 rental units on top of us in montopolis is piling on. That's just the only term for it. My neighbors and I just do not see how rezoning and flume changes for this particular project will help us achieve a housing balance, attract needed commercial services and live in a compact, connected community. Please show us that your rhetoric on imagine austin, the east riverside corridor plan and affordable housing siting means something by denying this applicant's request for rezoning. I also want to talk just for a moment about the connector streets that are in the handouts that I gave you. If you'll look at that close-up plan, you'll see that there are many, many collector streets. thank you.

>> Any questions? council member riley has a question for you.

>> Riley: ms. connor? I want to ask about the street that you were mentioning. We heard from a previous speaker that there have been several possibilities set out for the alignment of that street. Currently I understand the proposal is to place it essentially in the middle of the project, or to divide the project in two, but there are -- there are -- you could, for instance, place the street further to the south so that the whole project is to the north, in which case there might be an opportunity to have enough density on the other side of the street that it might be more likely that the street would get built out. Do you have any position on the alignment of the street?

>> I do, and it has to do with how close it is to riverside. If we get too close to riverside the applicant has stated over and over that the area right behind the five acres dictated by the erc is just a perfect place. It's perfect for them because it's not -- it goes between their land and the commercial land, but it's too close to riverside to get a light. If it gets too close to riverside then we can't get a light. So one of the things about higher density is that it does push that street further back, and then we do get a traffic signal of some sort. It's already a very busy and dangerous intersection as it is. When we add 2,000 more cars to it a day, it's going to be a mess. you're talking a traffic signal at frontier valley and riverside?

>> Yes, and if the collector street is too close, i believe it's 100 feet -- no? we can ask about that. But that's the problem, that if you had it too close to riverside you wouldn't be able to put a light at frontier and riverside.

>> That's right, and we do feel like that's very poor planning dispoor so you'd want it as close as you can get to riverside while still retaining the possibility of a light at frontier valley and riverside?

>> Not really. What we'd like to do is see the collector streets that you have on that handout -- we'd like to see walking and biking and being able to get to a bus stop without going to riverside. We'd like to see our residents in the area be able to do all that. anthony golden? All right. I'll call

the next speaker. Pat johnson? Pat is not here. Ron thrower? Is myra briones? Is myra here? Who did you want to donate your time to mr. golden? Ron thrower? So you have up to six minutes.

>> I did not plan that. I just took it. I don't know if you saw my hand going up. My name is ron thrower representing the adjacent landowner to this project and if there's anybody that's more effected about the roadway it's my client. I want you all for a moment to take the affordable housing component out of this project and set it to the side, take the negatives of this project and set it to the side and look at it strictly from a planning standpoint. It was not until a mere few minutes ago that I was of the understanding that there is now three possible alignments for this collector roadway. lopez had shown a plan at commission which showed the collector roadway a thousand feet from the riverside corridor. That thousand foot separation is extremely important from a planning standpoint. connor has suggested, if riverside and frontier valley is going to be a signalized intersection and this collector and frontier valley is going to be a signal iepts the intersection, then those intersections need to be a thousand feet apart. That is in the transportation criteria manual. That is the minimums necessary for signalization. To find that there's even on the table a possibility that the collector is going to be in a different location than that thousand feet is an extreme problem for my client. We would like to see development, put it on the corridor, that is a development intensity enough to warrant the construction of the collector roadways. Absent that we are going to be in a dire situation. If you look at a map you will find that vargas, where my client's property is located, vague as and riverside, and montopolis are the only two streets that go through from riverside to 183. That collector from frontier valley to vargas is an extremely important collector roadway. And I won't get into the details of the east riverside corridor master plan right now and the shortcomings and the pitfalls that are inherent in that situation, that is g compounded by the continued white link of density inside the corridor, inside the corridor boundary. If you recall last year, it was my client that opposed the case of single-family housing on this tract because the density was not great enough. At that time I pointed out that there was 650 units planned for another project down the road that were going to have 86. There is 350 or so planned for this site that is now going to have 250. So the corridor is getting whittled away before the plan lands on your desk for consideration. This corridor plan is extremely important for austin, and part of that corridor plan inside the corridor, those collectors are extremely important. The place him of the collector roadways -- placement of the collector roadways is extremely important and affects my client more than anybody else. If that collector is any closer to riverside than a thousand feet, then I think that you might as well write-off that collector in its complete entirety to serve as a collector. It may be a passage way but it's going to be pretty minimal. And again, we need to provide incentives for these developments that have these collector roadways so that those collectors can be put in rather than ignored. And I'm available if you have any questions. council member riley? thrower, did i hear you say that you have in mind two signals, one at frontier valley and riverside and another at frontier valley and the perpendicular street?

>> I could see that happening if the densities and the development intensities that are appropriate enough for density -- or excuse me, to promote transit on the corridor are in place, then you're going to have a need for not only those two signals but a signalization at vargas and riverside and perhaps vargas and the collector roadway as well. but supposing you just had at that signal at frontier valley and east riverside. Then how far back would you need -- could that road be? I mean, would that road still need to be a thousand feet away from riverside?

>> I guess we all need to look at this in context of the east riverside corridor plan, because frontier valley should be designated as a collector roadway in the corridor plan. City staff, for whatever reason, has that collector designated to go down a drainage easement with floodplain, which is 4 to 500 feet to the east of frontier valley. I will be arguing for the changes at collector designation on the plan. If that collector is actually going to be frontier valley, is it going to be a divided roadway? If you get into a divided roadway situation, then you've got medium spacing considerations that have to be brought in -- median spacing considerations that need to be brought in. We're approving a project a bit prematurely in my opinion the east riverside corridor is in place and then we can get down to the details on this. I'm looking at the regulating plan now, the draft, and it's not that much help in assessing where that collector street should be. Of the three options presented where are you saying it needs to be?

>> A thousand feet from riverside dispoor and and that's in order to preserve the possibility of having signals at both riverside and frontier valley and frontier valley and that new collector street?

>> And not only that but it would help create the subgrid of streets under -- it seems to me there could be other possibilities for managing the intersection of the new street and frontier valley. You could have a traffic circle, for instance.

>> Agreed.

>> And that could potentially be less than a thousand feet away from frontier -- from east riverside, couldn't it?

>> I agree with what you're saying except howard lazarus at the commission made it pretty clear that the city doesn't have funds for this type of stuff.

>> Riley: okay. Fair enough. And then I want to get to your point about the density levels. I share your concern about whittling away the density in the area in such a way that it could undermine our ability to have workable mass transit along the corridor. One thing I'm concerned about is that we haven't said -- we haven't set out clear goals for someone who's taking on a project. When this applicant embarked on this project and met with city staff, it would have been one thing if we had a document that said, your project must have this many units. Then there would be a standard that we could hold them to, but they've gone through -- they weren't told that. They were given a general range of density that we had in mind, and then -- and then at this late stage there seems -- there's some fairness concern about saying, well, we don't think that's quite dense enough. Is there some standard out there that you would -- that you feel the applicant should have looked to and should have known that this wasn't enough density?

>> Well, I can -- I can say that I wish that there was a lot more involvement by the landowners and the east riverside corridor master plan. I've been part of the working group since the very beginning and have attended 95% of the meetings, and it's because of that and I've been able to keep my client so well informed about where it is in the process and what's coming and what's going to happen. If there had been a lot more involvement, and I think a lot of people would know, but the fact that there hasn't been as much involvement, and to my knowledge the

landowner for this particular project has not attended a single meeting. And so unless you're involved in it, you're probably not going to know.

>> Riley: thanks, ron.

>> Thank you. before I go to the next speaker in line, is corazon ronteria here? No, so next is pam thompson. Flush plush.

>> Hello, mayor and council. Thanks for letting us speak, and I'd just like to point out that the children of the proposed development will go to del valle schools, and that frontier valley dead ends in a fema floodplain, a fema 100-year floodplain. I'm going to show you some subsidized apartments. The dots, the larger they are, the more there are. It's this one. Okay. Okay. We'll go to the next one. That's not -- do I have to point somewhere? Oh. Sorry. Okay. These are subsidized units within one mile of the tract, and you can see the yellow. That's the proposed development. And notice right across the street is a unit of subsidized apartments as well, santura villas. I want you to look on this one because they say where the entrance and exit will be will be directly across the street. I mean, if it were a street it would be perfect because there could be a light there. It's going to be right across the street, but it's too close. So we're going to have like all the people exiting from santura villas, and then from the proposed development, entering frontier valley, it's going to be a mess. So the subsidized apartments, the total units in montopolis, you can see the number there, and this is within one mile. Now, I will point out that someone in the neighborhood said that if you walked from one side to the other it would be two miles. We're putting the development in the center, and this is the radius, so that you will understand. There's 1,078 units. It's across the street from the existing property, which is santura villas. So you can see there where their gate is, and it's approximately where they told us the gate will be exiting from the other property. This is santura villas. It's 192 units and it has a tax credit. This is fairway village. It's another one of the units. It's across the street. I a couple blocks away, I'm sorry. These are the reported offenses that happened at santora villas that happened over a period of time, from september 2009 to september 2012. It is a concern to the neighborhood because we do have a lot of children, and whereas the neighborhood is able to sort of look after itself at this point, I just don't know how much more you can put on us, on one street. Affordable housing, working city policy group draft identifies the areas in the city that have sufficient affordable housing. They prohibit additional public funding in these areas. And this -- just the last one, mayor, I know I'm out of time, but I said that it was a dead-end street, and directly behind that wall right there is a creek, and then the fema 100-year floodplain. So I'm not really sure how long, but would you just please do me a favor and ask city staff to tell you how long frontier valley is from riverside to this point? we'll check on that.

>> And we have 750 families entering and exiting every day with multiple vehicles. stefan ray?

>> My name is stefan ray and I've lived in montopolis three years. I wanted to comment on some of the statements made by emilio lopez at the outset of the meeting as well as suzanna almanza. Perhaps you could look in your backup material, it's called an appeal. It was an appeal to the planning commission about their meeting. In that you'll see some emails that suzanna almanza wrote regarding the meetings that occurred on may 21 and june 14. Emilio lopez said this process from the very beginning was a good one and they spent a lot of time working on this. But

one thing that you should know, and one thing that's important is that the very first two meetings that occurred with this were called -- meetings that were called that were in violation of the Montopolis contact team's bylaws. Those meetings were called in less than ten days that are required by the bylaws. And I know that you're very sensitive to the issue of open meetings and making sure that things are done properly because of some of the issues that were talked about earlier today. So the very same meeting that was called at which the approval for an out of cycle NPA case was decided was done at a meeting that was called in less than ten days. It was a meeting that was in violation of the contact team's bylaws. There were discrepancies about the actual agenda about what the meeting was actually even for. You could not look at the meeting and notifications for those first two meetings on May 21 and June 14 and say that those are valid meetings. Therefore, usually what happens when a meeting is called where there's an improper notification is the decisions that result from those meetings are considered to be void. Therefore, the actual act even of putting this case forward and saying that it's an out of cycle approval should be considered void. I mean, that's what you would do, if you brought this forward to a court, they would say, okay, this is wrong. Any action resulting from this meeting should not be considered to be appropriate. I've talked to the former county attorney Bill Alshire about some of these matters who I think you're all well aware of, some of his concerns on this. So I think what you need to realize what you're doing is you're putting -- if you approve this you're putting a stamp of approval on a process that was flawed from the very beginning, and not only that, what you -- what you decide today is going to give the green light to the county commissioners to authorize \$30 million tax credit project. So you need to be really careful about the message that you send in this, and if you say, okay, we're going to approve this project and overlook this particular thing at the beginning, what is that telling the citizens of Austin? That's all the speakers that I have signed up to speak on 85 or 86. So if I haven't called your name and you signed up, now would be the time to speak up. Otherwise we'll go to rebuttal by the applicant.

>> How much time do I have in rebuttal?

>> Three minutes.

>> Three minutes. Okay. It won't take that long. You know, I've listened to everything here and it's been really interesting and I can't really respond to I guess you would say, because it's just not applicable. I can just you our company and myself all the years I've been in business were very truthful. Worked with neighborhood associations, followed the city's guidelines and guides as far as the meetings go. I want to point out a couple things, and I'll be kind of jumping around for a couple seconds to some of the people that are -- that live in this neighborhood that are opposing this project and people that support the project, they're the ones that will be using the transit system. The people in our proposed project will be using the transit system. Some of the people that are opposing this project were opposed -- I heard them say earlier this evening they would like to have home ownership. My understanding is they oppose the former single-family project that was proposed by another developer. Some of the subsidized housing they're talking about, without going to locations -- one of the subsidized housing they mentioned is actually actually safe place, and I won't give you the address. La Estancia not subsidized housing. We're using the federal guidelines. Someone mentioned what the income level would be, I think it was like 44,000 for a family of four. That's not what I consider subsidized, these are workforce

people, teachers, entry level nurse, police officers, firefighters, all different types of people when you think about the income level. The -- this call for this tract as well as the wells fargo tract to be residential which is defined as traditional residential. Our tract as well is the one for the client, mr. throash. The density now that we're proposing is approximately twice the single-family project that was presented to you previously, and the staff is sporgd are supporting this and the planning commission supported this not once but twice. The options that we have presented to you on the connectivity, each one of those were presented to the neighborhoods, in individual meetings and in the combined contact team meetings and to staff. The only thing we'll say there is for this project to really work the best and to provide the sufficient space for the water quality detention without being concerned about not having enough space, the council can look at those alignments, if we have to choose, we would prefer option 1, which is closer to riverside. However, option 3, which is approximately a thousand feet, that will work well for us. The second option by directly -- would create a problem. That's the one that creates a concern for the space left on the water quality detention because it doesn't equally divide the project, which ironic cli, we came up with that in response to thrower's request for consideration. So I think that what I'm hearing here from everyone is I think we're there. We've done everything we can and we have had support from the contact team, from city staff and the planning commission. There's been a lot of discussion at the planning commission about this in very much detail, and i think that everything -- thank you --

>> that we've presented to you is pretty -- pretty much responds to all the concerns. Thank you. thank you. Council member morrison. I have a few questions, if you don't mind. First of all, is there anything in the zoning that we're doing, like in the restrictive covenant or anything, that makes affordability a requirement -- a requirement on this? Maybe this should be --

>> I'm sorry, I couldn't hear because of -- let me say it again. Is there anything in the zoning or the restrictive covenant -- let me step back. I fully understand the intention is to put affordable housing here.

>> Correct. is there anything in the zoning documentation or restrictive covenant that records that it will be affordable housing?

>> I don't believe so. We received a document late yesterday afternoon so i don't have a copy in front of me. I don't believe it does, but -- I know -- because I know you all are still in the process of purchasing this, if I'm correct.

>> I'm sorry? you're in the process of purchasing this --

>> yes.

>> Or do you already own it?

>> No, we're in the process -- like in all the zoning cases we represent, we do not recommend a client close a sale until the zoning -- that's make a lot of sense. I wonder if there's some way that you all are interested in making that commitment, since so much of the talk is this is going to be

an affordable housing development, and I don't know if there's a way to do that or if you'd be interested in doing that.

>> So to make sure i understand correctly, to provide some language in the restrictive covenant that speaks to what we're promoting is a workforce affordable housing project?

>> Morrison: right.

>> I would have to ask the client because he would be making the commitment on behalf of the seller and the seller is not here.

>> Well, I wonder if there's some way to make that commitment --

>> I mean, I guess the -- i would like to ask my client -- -- your -- conditioned on the purchase.

>> Oh, conditioned on the purchase? Can I ask my client first? right, and let me just throw on -- let's give that some time to cook. I also have a question about the tax credit and the application. So you all, I assume, just have the application in for the 4% tax credits; is that correct?

>> I need my client to answer that question because he's involved with that more directly.

>> Okay. So the rest of these questions are really about the --

>> I believe so, yes.

>> Good evening, I'm steve helm with corner brook developer, along with cesar chavez foundation.

>> Great, thank you. So I want to get a little feel for the timeline that you're on with the application of the tax credits. My understanding, are they 4% tax credits?

>> Yes, ma'am.

>> And so what's the timeline that you expected to to be following your -- your application is submitted?

>> It is submitted. We expect to be on the tbaca board meeting agenda for december 15.

>> And the reason I'm asking is because one of the concerns that I have is is about the gatedness of your apartment complex and I know my staff has talked with you all a little bit.

>> Yes.

>> And so -- there was some suggestion that it's a requirement as part of a tax credit property, and i wondered if you could speak to that.

>> Sure. Well, tax credits are not the only financing mechanism we're utilizing to finance the property. It's a pretty complex financial structure. Fha structure, tax-exempt bonds and tax credit. We've filed three applications, fha, travis housing and finance corporation for the bonds and tdhca for the tax credits. So -- and that process began in february. So we've gone through a long, long run way here. In all three of those applications we have submitted limited access gating, perimeter fencing as a project amenity. Our appraisal reports, market studies that have been performed have all had that amenity in there. Obviously we get enhanced credit for rent for having that many ti. When you pull -- amenity. When you pull that out, you know, it's just adversarial effect on the entire project and all of the applications that have been filed and all the work and money that's been -- that has gone into those. And we really believe that, you know, class a garden style apartments today, limited access gating and perimeter fencing is an industry standard. We consider it a very valuable amenity. so it was my understanding that there was possibilities for actually adjusting a tax credit application, but what you're saying is it's more complicated, even if that were possible, it's more complicated than that because you have other ones also? and we also posed this question to our lender and have a letter if you'd like to see it. what does the letter say?

>> Of the 11 properties that were utilized as comparable properties in our appraisal, all 11 properties had limited access gating and perimeter fencing. So those comparable properties were used, you know how appraisers make adjustments to set our rent levels. So again, I think that's considered a very valuable amenity in multi-family housing and -- can you delve into that a little bit? Like why is it a positive for -- is it thinking that it keeps crime out or --

>> well, I know your assistant quoted a study that had been performed that said, you know, that's not really a valid statement. So I'm sure there are all kinds of studies out there that say all kinds of different things. I think so more it's a perception from the residents that there's a safety factor built into having perimeter fencing and limited access gating. Also, I think in a garden-style multifamily community, from a design standpoint it's just more aesthetically appealing. When you have across the front of the property wrought iron fencing with stucco or stone, partitions built in, I think it just looks a lot better. You know, like you see in many single-family communities have walls around them, right? And gates. That seems to be really in high, high end communities. So I think that that design feature and amenity gives that impression about the property. I think that maybe I could ask staff to come up a little and -- guernsey, I wonder if you could come speak to this a little bit. Because when i, you know, visit the area and all and i see these various large gated blocks of apartments, I guess I get the point that you're making, but also what we end up having are these silos and not a community by any means. And so I'm just concerned about the long-term vision of that neighborhood or other neighborhoods that are going to densify and they're going to grow, and I think we're really at a point where we need to decide whether that's something we want to promote, or how does it -- for instance, how does it fit -- what do you think the imagine austin and -- you know, in terms of compact and connected and visions for community? Do gated communities really fit in that? And can you speak to like the reality, the expectation versus the reality of what a gate brings you?

>> -- What a gate brings you?

>> Well, I think there's a concern about pedestrian traffic certainly as do you from one part of the neighborhood to another, and certainly if there is a gate that prohibits access for someone trying to get to the other side of a neighborhood and if there's not a roadway network that breaks up those streets, it becomes much more difficult. That's partly why the regulating plan that will be coming to you in about a month or so you'll see the collector street plan, so it would connect not only going north-south but diagonally north and south through this neighborhood but provides more east-west connections. I know that there is a need certainly in some of these projects because of maybe lender requirements or constraints that they place upon themselves. It doesn't necessarily stop them providing pedestrian gates or, you know, gates for people to allow access to walk through. That might be a way to get to part of that, but I think it really depends on the size of that community that's being developed. If it's a very large complex, then it becomes much more difficult to get around it to get to the other side or get to it than when it's a smaller -- the site is about ten acres in size, so it's not -- we're not talking about a small tract of land. You're actually talking about a fairly large tract of land. But I'm not sure of what's proposed in this, and i don't -- as far as allowing for pedestrian connections through, I know vehicular, i think it was envisioned certainly to do that. But if you have the collector street plan as being proposed in this of having an east-west collector, which they have agreed, there may be a question of its location, i think, it breaks up and provides ability to get through or around this property. I guess the bottom line is I think that we need to -- maybe we're working against market forces, but in terms of creating communities and being able to achieve the city that we want to be, i think we need to find a way to move away from -- from gated communities, and I'd love to hear any of my colleagues or you, greg, if you have ideas of how to move in that direction. I'm thinking, for instance, yeah, at this point if they are this far down the road and they've been applying since february, if we had somehow been able to make it clearer from the very beginning that that's -- that we want to incentivize or somehow, you know, find -- that we really don't want to be supporting gated communities, it might from the very beginning have provided an impetus for the applicant to find another way to do what they're doing and do it with, you know, vegetation or something like that. So I'd certainly love to hear anybody's ideas about that.

>> Council member? I have an answer for one of your questions. I'd love to hear her answer. go ahead.

>> One of the questions is if the client would agree to some language that alludes to that we would agree to -- that it would be affordable housing, workforce affordable housing, with a condition -- let me interrupt you right there. This really can't be a part of the zoning case, a discussion on what you might do as a condition of getting your zoning.

>> Okay. but I didn't really make it a condition. I was just interested in hearing about whether they --

>> mayor leffingwell: okay. I just wanted to be clear on that.

>> Morrison: yeah, sure. So is it all right if we just -- yes, you can have a discussion. yeah, I'm clear we're not talking about a condition.

>> Not a condition. No, the client is fine as long as we understand that, you know, we would have to make sure they closed on it. If we didn't -- the seller, obviously we couldn't obligate them to -- I don't know what word to use --

>> morrison: thank you. this is purely a hypothetical discussion.

>> Correct.

>> Morrison: thank you.

>> Mayor? council member riley. just to continue on with the discussion. First of all, I strongly agree with the concerns voiced by council member morrison about that -- about gates. I think as we -- I would hope that as we look toward the future for this area of town, we could visualize moving away from the tradition of having gated compounds that are -- that are isolating neighbors from one another. It is -- as you go through the area -- and this is -- this has been the way ever since it was developed as student housing, you had one compound after another, and it has a certain military feel to it, and I think -- i think there is an opportunity as we -- as we look to the future and a vision that this corridor developing in a different way, that my preference would be if we could figure out ways to move away from gates. Now, I understand there are certain constraints here that make it difficult for you, and I wanted to explore that. I know that there was some discussion at the planning commission, in fact, there was a proposal at one point to place some kind of limit on having continuous gates around the property, and in particular I want to ask about the road. If we -- if you all were -- got the entitlements you're seeking with -- with the plan to put the road a thousand feet away from riverside, that road would not be built immediately, as I understand it? You all wouldn't build that road. You all would just be leaving the right-of-way there. So what would you do at the east and west ends of that roadway? Would you have breaks in the fencing? Would anyone be able to get through that or do you picture just having continuous fencing preventing any access through that right-of-way?

>> I'm trying to find a really good way to respond to that question. We don't have the final design site planned yet because we needed to find out what provisions were part of the zoning if we got approved with those would be. Until that road would be built to go somewhere, to have -- and I'm speaking without speaking to the architect of record, who's not here, so I'm going to sort of anticipate some things. To provide a pedestrian walkway from frontier through that proposed connectivity road that goes nowhere, would go nowhere to open that to the public. At the point that -- let me back up a little bit. I think in my earlier presentation I mentioned that in response to some of the staff's recommendations, beyond placing the buildings on frontier road the way they would prefer to to meet the intended regulating plan, on a connectivity road we would be doing the same thing, 70 feet. So when that road gets built it would allow enough space to do the same thing we do on frontier, the half, the sidewalks, and the pedestrian traffic in addition to the vehicular traffic. Right now in dedicating that, and if you did put in pedestrian for our residents, that would work. We're actually going to relay that to our architect when he designs the layout to -- keeping that in mind, perhaps including pedestrian walkway for our tenants to be able to be able to put internal circulation. When that road gets built and it actually goes somewhere, then that would be replaced by a street and then you'll be adding sidewalks, but to -- so until that happens you will have a fence on frontier when it's open to the public. Obviously you'll have to

take that down and they will have to put a fence, a new fence, on either side of the connectivity road but you'll have that accessibility issue open to the public. That's the best answer I can give you now.

>>.

>> So in the short-term you would have gates available to the residents. So residents could go or go through those gates by using a code that the general public wouldn't have access through those gates.

>> Right.

>> Riley: okay. Thanks. we're going to consider these two items separately, and we'll take up item no. 85 first. Council member martinez.

>> Martinez: thanks, mayor. And still clicking through the backup. I'm at page 55 right now.

[Laughter] been reading it while the testimony -- you know, I'm going to be supporting this request, and I hope that you all will consider supporting it as well. I realize that there are a lot of issues surrounding this, and I'm not going to just let those issues sit here tonight and not be worked on moving forward. We clearly have some conflicts with neighbors. We have some conflicts with how history has played out in this part of our community, and I don't think these issues are going to go away. We are still going to have to vote on future zoning cases for affordable housing, and we're still going to have to vote on some of those being in east austin. So we all need to come together and continue to work together and try to find the best way to deal with all of these issues. This past weekend, though, just by coincident I got to meet the president of the united farmworkers here in austin, arturo rodriguez was here at southwest key. I got to share the stage with him, hear him talk about his commitment to east austin, to southwest key. I just today sitting here got an email from max elliott, the executive director of urban roots over in the govalle johnson terrace neighborhood. He's at the southern travis foundation now because they're going to fund programming at urban roots in the govalle johnson neighborhood. So what I see, aside from the real issues that I'm not ignoring about the debate on whether or not we should support affordable housing is a group and an organization and individuals who are committed to austin, and really willing to not only just run an affordable housing unit but really invest in the community and be a part of it. And so for that I will support this request, and i would move -- oh, but I do have a question of staff. Sorry, greg. In the staff recommendation, if I were to move approval of staff recommendation, does it address the right-of-way issue in terms of the alignments in any way?

>> Yes, council member. The alignment that's in your backup in yellow is one that -- it reflects the current draft of the regulating plan for the montopolis corridor. It's not the one that's preferred by the applicant, but it is the one that's recommended by staff and would come before your planning commission for their consideration and would eventually get to you as far as the alignment of what staff has said. so of these three options --

>> it's the one that's probably in the middle. I think the applicant would suggest that it would be along the southern portion of that drawing, towards the bottom, and then the one thrower was talking about, which would be the second choice of the applicant, would be the northern one, and the one that staff actually aligned -- the alignment with the plan that's coming forward, and that's the one that's i guess about a third of the way from the bottom. Best I can describe it. can I ask ms. lopez a question, mayor? of course. lopez, can you -- do you know which alignment he's referring to in the staff recommendation?

>> Yes, can we show it on the screen so you all will know what we're talking about?

>> Martinez: sure.

>> And while that's coming up, mayor and council, i just want to make sure you're aware, I said this earlier in the evening but i did not say it during my presentation. There is a valid petition 99% against the rezoning request. there is a valid petition and I i understand it's ready for all three readings.

>> That is correct. Both items. lopez, can you --

>> if you look at exhibit b, the -- the one furthest away from me is riverside. That is approximately a thousand feet away, which is thrower had recommended to us. And from the three, obviously the first one we would prefer closer to riverside because it doesn't divide our project up. But that is going to place it at approximately 4 to 500 feet away. If you look at the way the tract is designed. Our second option would work for us in our project based on the layout, would be the one at a thousand feet, thrower is preferring also. The reason -- for clarification, the reason the second one, the one in the middle, would really create a problem is that it doesn't evenly divide the project and it's going to crunch into the water quality detention area, which is the furthest northern part, and we are very concerned we may not have enough room there for that. Just the way the buildings would be laid out. So if you're asking us which we prefer, you know, the one closest to riverside obviously is our preference because it doesn't divide our property. However, if it's another 3, which is a thousand feet, which is thrower is suggesting. so greg, how do these options fit in with the draft regulating plan? Is the one closest to riverside more aligned -- is any one of these in more alignment with the regulating plan?

>> Well, the one that's -- i guess you could say is in the middle of the one that staff is bringing forward as a recommendation. And so the one that's on the yellow sheet in your backup reflects that, and the one that amelia is speaking to is the one that's further to the north of that, although it might actually be -- i know there's another -- i don't have the -- her field note for the northernmost version of this, but i thought it was a lot more closer to where canal connects to santos.

>> We didn't have any dimensions from the city. We did meet on all these three with erica leak from the city, and we asked her about the thousand feet before we presented it to there thrower and to the planning commission the second time and she felt that that would be acceptable and reasonable, even though the plan does show the middle one. The first one is about 500 feet, the second one is 700 feet and the third is about a thousand feet. So we asked her when we presented

the thousand feet, do you feel that even though it's a little further north from the reg ling plan, would this be fine with the staff when you proposed it? And she said yes.

>> You guys feel like you would have a viable project with the thousand feet setback? Thousand foot setback?

>> Yes.

>> From riverside drive.

>> From riverside drive, yeah. mayor, I'll move approval on all three readings with the direction that the setback be a thousand feet from riverside drive. council member martinez moves to close the public hearing and approve on all three readings the land use change and item 85. Is there a second? Council member tovo seconds. Council member riley? greg, I want to ask about that. Why is the staff -- you said the staff is recommending the middle one --

>> if I may, we can put up the one that's being suggested by amelia. It's the one with the field notes. And we've got it coming up in just a second here. first, greg, let me ask, why wouldn't we go with the one that's further south, let's say 500 feet from riverside, that would not divide the property?

>> I think we're looking from the standpoint of across many properties and not just one. And so when the collector plan came forward, it's looking generally at an a line him. With all plans, it's a guide. It's not absolute, and so as that line is drawn on any plan that comes before you, there may be some shifting up and down. So it's not perfect, but our recommendation as it comes forward was looking at many different properties and not just this one. It may help some other properties tremendously or it may not, as you traverse the collector plan that's in there.

>> Riley: I understand. -- I understand that at the planning commission, one of the planning commission members sitting ex officio, lazarus, our director of public works commented on this, and he said that that road would never get built, that -- given that it's in the middle of the project and the density of the project is not sufficient to warrant construction of the street, the city would never come in and build that. So it would be -- you'd be just setting the right-of-way there indefinitely and for no reason.

[One moment, please, for ]

>> I would also concur with the applicant that probably north than south would be better because then you are --

>> applicant preferred are further south? Further south?

>> Guernsey: Well, their second request would be further to the north. thrower, I think, requested to the north. If you are asking staff second choice, it would be to the north as well, which is the alignment that you see on the overhead. If you get too close to montopolis, then, really, having the collector system is probably not as good because it's too close. and i want to

point out this alignment discussion does not relate to the motion on the table. It will relate to item 86. I just want everybody to be clear on that part. But of course you can carry all of these thoughts over to the next item.

>> Riley: So you are saying -- your preference would be -- but it seems like for north the road is still not going to be built submit's still unlikely to be built in our lifetime?

>> Well, I won't say that. I think the comment made --

>> public works said that?

>> Guernsey: Comment was made using that particular section, I don't think it was respective of the entire plan going forward. I know we worked with public works. We worked with transportation staff when this was coming forward, so I think if you take the comment and you are saying, well, this will probably never be built, I guess my counter to that would be that you have to look at the entire network and it may not be today, it may not be tomorrow. It may be several years from now and there may not actually be funding for it at the moment but just as we did in the burning gateway plan, -- the burnet gateway plan, that plan showed collector streets as well and it takes time for development to occur, properties to be develop and the alignment won't be realized unless you have a plan that makes for arrangement for provision for collector streets. So, yes, it may take some time, but the collectors aren't built by a single segment today.

>> And the ceiling of 500 feet is still too close? It is still a pretty big block in terms of an urban grid. And in terms of walkability and urban grid, that's still a pretty big block. So why would that be considered too closes?

>> Guernsey: Well, I tell you my preferred alignment that aligns with the plan and the second choice would be the second choice I think of the applicant and of thrower, because I think it provides a better distance, and I think there was -- there was a question about how many cross streets there may be that might come through and I know the neighborhood, when they came in, their testimony I think how long frontier road and it is 7/10 of a mile and this provides -- and then a linkage that you had east and west, that would be further away from east riverside drive, where it is more likely to have a connection than having it too close to east riverside drive.

>> Riley: That's exactly the question I was asking. Why is 500 feet too close?

>> Guernsey: Well getting closer to the alignment than staff is recommending, this one is closer than the other. I am looking at -- I can pull up the map if you'd like. Let me show you the collector street plan and that may give you a better perspective.

>> Riley: I am still not hearing the answer to the question why 500 feet is too close to riverside.

>> Guernsey: Because when you loom acetance of the number of collector streets they proposed, there is not one every 500 feet. We are talking I think one or two when you look at the collector street program, so when you move it close to 500, the likelihood is east-west connections to north is reduced.

>> Mayor Wynn: It is really it is really a question of alignment?

>> Guernsey: It is.

>> Mayor leffingwell: Council member tovo.

>> Tovo: If none of my colleagues have additional questions about alignment, i just wanted to explain why i was -- why I seconded the motion. I had an opportunity to meet with neighbors who were in support of the project, neighbors who are opposed to the development, the intended developers, and have received lots of email from many angles on this issue. I have certainly heard and registered the concerns about the process by which the neighborhood planning team arrived decision, and there are, you know, many -- many issues to sort out and I -- you know, I am just very sorry for the neighbors throughout the neighborhood, that this issue has become so divisive and I hope you all can find a path forward together, but in the end, we are asked to make a land use decision, and from my perspective, a zoning change from csu to one that is residential is compatible to the surrounding land uses and absolutely, I am committed to making sure we have affordable housing throughout our community but this is a very good development, a very high quality affordable housing development for this tract of land and I think it's one deserving of our support. So we do need high quality apartment communities. Not just on montopolis but throughout this city and i hope we can work to get there, but I will be supporting this proposal this evening.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Yes, I just briefly want to say that i will be supporting this and probably a motion on the next item, also, and I think it has -- I have been around neighborhoods for a long time and it is always very unfortunate when we get to have these interactions and dynamics that are really, really not productive, and it's obviously a sign of some really big disagreements and perspectives and all. I know the planning commission is going to be train trying to work on it and I hope that the neighborhood can heal and confined some ways to come together and to see whether or not we will always agree. I do want to address the issue -- we do have -- in terms of affordability and whether it makes sense to are additional affordability here or not. And we do have some very important work going on and I know a lot of folks have been part of the discussion about how we are actually going to be achieving our goal that we have talked about for a long time, to have all kinds of housing in all parts of town, but we have not -- we don't really have all of the pieces we need in place to achieve that, but for me, being on that path to finding a way to do that does not mean that we don't put affordable housing on montopolis, that we put other on it. This is a sensible decision. It looks to be a good project and I think that it's the right thing for this city.

>> Cole: Mayor. mayor pro tem cole.

>> Cole: I simply want to say that I will also be supporting the motion. I understand the many, many changes that montopolis has gone through over the years, especially in terms of affordability and we are looking very hard not too become too austin because we have a very prosperous austin and a very economically challenged austin but it doesn't mean the people who

actually want to live in apartments or want to live in apartments cannot live in apartments in any portion of the city. So I will be supporting this issue.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Are we -- is -- we are doing the neighborhood plan amendment right now. Is there any difference between the staff recommendation and the planning commission recommendation? On the neighborhood plan? there is on the zoning but not on the front. All those in favor, say " aye. Opposed say no. Passes on a vote of 7-0. Now we will take up item number 86 which is the related zoning case. Entertain a motion, council member morrison. -- Council member martinez. Council member martinez votes to close the public hearing and approve the second reading by all three. Seconded by mayor pro tem. Council member morrison.

>> Morrison: I hate to ask this but is that the 1,000-foot -- is that in the planning commission? I didn't want to bring it up again.

>> Guernsey: If you are -- and I have got also, just so you know a copy of the regulating plan. I don't know if you want to look at that. You can bring it up. But --

>> Morrison: I just want to --

>> Guernsey: We understand i think what you are talking about is the 61,000-foot at this moment. If you want to do -- the 1,000 at this moment so if you want to do something different.

>> Morrison: I did make a motion.

>> Guernsey: We have three different exhibits. Right now, I understand, it sounds like you are going forward with 1,000-foot.

>> Morrison: Personally, i think it makes sense, it is at least second choice of everybody. So --

>> mayor leffingwell: okay.

>> That was my motion in the first, in 85.

>> Mayor leffingwell: Well --

>> Martinez: It wasn't part of that -- I realize it wasn't a part of that, but, yes that would be the intention. are there other planning commission's recommendations? Council member riley.

>> Riley: Can we get some clarity on that. Can you explain any differences between the staff recommendation and the planning commission recommendation?

>> Guernsey: I think there is an agreement among the parties to allow for the 70-foot reservation. I am not sure if that was actually pinned down because we were getting these exhibits actually towards the end of -- and so before I got the alignment I can show you in the

regulating plan, I know what the applicant wants. I know what has been discussed by the adjacent property owners but I don't know if it was actually pinned down to the nuances we are talking about at this time.

>> Riley: Are you saying the after recommendation is the same as the planning commission recommendation?

>> Guernsey: I can't say that definitively because i don't think the alignment was pinned down to what we have today when it was before them.

>> As I recall, and the commissioners when they made their recommendations a precondition and the discussion was about 1,000 feet, as far as if planning commission recommendation. At that point staff already made their original recommendation about this location. to be clear, this is 1,000-foot recommendation, plus the other planning commission recommendation?

>> Guernsey: That's what i understand it to be. those in favor of the motion say aye. Okay. Council member riley.

>> Riley: I -- I just -- i will reluctantly support this because I think -- for many of the reasons that folks have stated already, but I just wanted to note that I think this underscores the urgency of moving forward with the regulating plan and insuring when we approve the regulating plan it addresses things that will make this sort of case easier in the future and in particular, i think we need to look carefully at -- to make sure that the plan sets out clear density targets, especially in light of the concerns that have been raised about falling behind on the targets that will allow us to have a successful transit corridor. I think we need to revisit those issues in the regulated plan before we approve it. I think we need to make sure the street network is addressed clearly and along with the implementation plan to get a sense of how the streets are actually going to appear, and I also think we ought to consider whether gating and fencing ought to be addressed in the regulating plans so folks will be on notice about that concern. With all of that said, i will support this. all " aye. Opposed say no. Passes on a vote of 7-0.

[Applause]

>> thank you, thank you very much. well, I guess I don't have to say we don't hear any more of that. Okay. We will go to work our way back through this morning's agenda now. And we will start with item 18. Eighteen was pulled because of speakers so we will start working our way through the speakers. Paul saldena. Paul is not here. Morena james not here. Juan doravillas. Okay. You have three minutes.

>> Good evening, mayor, mayor pro tem is not here, city manager and council members. johns and the city staff; the contractors association hispanic, the black contractors association and the asian contractors association, we met with them yesterday and we have been here before, about our concerns of what are concerned about the ongoing disparity and funding but what we don't really understand is why the city of austin is spending three quarters of a million dollars to subsidize the university of texas with this contract. If austin energy has the money to subsidize 90% of the department and if minority chambers of commerce and the great austin chamber,

what about the construction industry and stakeholders that the trade associations are? That's really at the heart of the matter. The city is not meeting their mba goals. saldena has shown this by the data he's drawn from city documents for the last three years and clearly they need help in meeting goals by investing in our trades by way of our contractor association. About 50% of city certified firms are related to construction and what we would like to do is suggest directing city manager to conduct a comprehensive study of the services that are offered company wide and perhaps only approve one year of this contract and not the entire five years until we can come back and have some answers. And so that's what I am here to -- to recommend. thank you. Next speak is carol headnot. Not here. Aletta banks. Aletta banks. not here. Michael sullivan. Not here. Erica saenz. I could not hear that.

>> [Indiscernible]

>> mayor leffingwell: okay. All right. And those are all of the speakers that I have signed up on item number 18. I will entertain a motion. Council member martinez.

>> Martinez: Thanks, mayor, johns or lefy a question -- or ms. lee a question.

>> [Indiscernible]

>> director of development and services offices.

>> Martinez: Kevin and rosy can you relay to us a little more about this meeting that took place yesterday? First of all, thank you for taking the meeting and sitting down with the group that requested it. Do we -- did we make some progress as to, I guess looking at opportunities for these groups to be part of the training moving forward or other arrangements that they seem to be interested in?

>> I will respond first. I think we had a good discussion of the university of texas contract, what it -- how it originated. It originated a city wide analysis of small business needs. We talked first about the contract, where it came from, what its purpose was, and then we solicited ideas from the contractors association. And I think that there -- in one way, I think we both have recognized that there is a trend towards more construction, that the economy is ramping up and there is a need for the -- probably a greater utilization of the contractors association to do more work, especially as I believe it addresses the issue that we talk about regularly, which is hard to employ individuals. However, we did not have a meeting of mind on the contract itself. We ended the meeting by essentially agreeing to disagree. For the small business development program, this is an unbelievably successful and well received city wide initiative, and the contractors, I did not feel, I believe I am representing this correctly, that they could teach the courses in that curriculum. However, they saw that because this is going forward and as you heard from juan, it is coming forward from the university and there is money for that, it gets to their core issue that they feel like that they need to have a broader role in -- in that field of growing the construction industry. We suggested that we would work with dsmb and if they were interested, propose to the federal agency the economic development administration to put together a multi-year grant application, with the contractors association helping guide what was go into it, but essentially it would be a minority contractors incubator to help grow the number of construction companies in

the minority economy as well as create jobs. And so we kind of left it at that. That was an idea that we had thought between the two departments would value. And so that's kind of where we left it. We have the representatives from the university here. We think we should go forward with the university project.

>> Martinez: Thanks. Can you -- can you give me a timeline on this process of this new idea moving forward, if you were to engage with them? Are we looking at -- what are we looking at in terms of being able to apply -- is it an eda grant?

>> Yes. The eda grant process, generally you work with the -- with capcog and you get it approved as the project for the region and then it qualifies automatically for consideration and funding through that process. It takes 6 months to a year. On the other hand, we went ahead and took the initiative of calling eda directly and we are waiting for a response back from them and I've asked the executive director of capcog if she would assist us in moving directly to the director of the eda to see if we can get the ball rolling, that there is money available outside the regular, lengthy process, but we have made those initial phone calls. We department get a firm commitment from the contractors association, however, that they wanted to do this. Their preference was to -- to get money from the city rather than to go to the feds.

>> Martinez: Is -- what is the time frame on this item in terms of needing to be approved, and then, two, why is it a 36-month agreement and not -- the two issues they are bringing up at this point are, one, they are interested. They would like to talk to you more about the idea yesterday. But they are not sure that they want to support this item unless they -- they get a little more substance from you on the other idea. So what time frame are we operating under, and then why is there a 36-month agreement? Could we approve it for a 12-month period and then come back next year for subsequent agreements?

>> The reason why we structure the -- this contract in the way that we did is that it would be consistent with all of the other contracts that egrso has. Excuse me, I am getting tired at the end of the meeting. Our contracts with the minority chambers and the other service providers that we have long-term. It facilitates planning on both entities. One of the things that the last needs assessment, the small business owner requested of us is to look at presenting more of our training online in addition to classroom. We have already started those conversations with the university of texas professional development center in doing that, so we are moving in that direction. We need time, you know, to do that. At the same time that we are teaching the normal classroom class in addition to that. It would also lock in the price, you know, for the units for the class. And it -- I guess those are the -- all of the reasons why we are coming forward with the multiple year contracts. What I would like to say that if it's possible that, you know, the eda idea that we presented yesterday, it's a separate process, you know. It is a separate idea. The target audience that -- that would benefit from the -- our contract is focused on any business, regardless of what industry you are in, regardless if you are interested in government procurement or not. And the -- so I would like to really kind of count the accomplishments in this particular contract. In the last three years, we have been able to deliver 12,000 training hours to more than 2800 individuals. Instructors, they have maintained a 95% customer satisfaction rate, which is very good in our -- in -- I shouldn't say very good. It is outstanding.

>> Martinez: When these -- are we currently under ? Are they providing classes right now?

>> The contract that council approved in the spring expired september, so we don't have any classes at this moment that we are offering to our small business owners for the u.t. Contract.

>> Martinez: So if we approve this contract tonight, when will these classes get started?

>> I am sure that we can get started enrolling on them within 30 days at the most, at the most -- the most time that we would need.

>> Martinez: So we could start enrolling them but they probably wouldn't start until january?

>> No, we probably would actually start teaching classes probably in november.

>> Martinez: So one of the requests is to postpone this for two weeks so that you all can have a subsequent meeting. What would be, I guess -- convince me not to do that, I guess is what I am asking.

>> All right. I think what's -- what i would say to you is that egrso does not have a contract with minority contractors association and I would like to decouple the work we do and that the work that dsmbr does, dsmbr is responsible for the contractors association. It does good work with them. It has listened to them. We have joined in because they have asked to hold up our contract for teaching small businesses city wide. We understand their frustration and their desire to be -- have a greater input in the construction industry. But they are two separate agreements. This is -- we are dealing with city wide small businesses that are teaching technical information that -- that the contractors association really has no desire to do. This is just a way that they can have a voice and understand that. But I would like to decouple the two and let us go forward and we will continue to work with dsmbr, and if the contractors are in the -- are interested in the economic development administration option, we will be happy to do that. Our staff has agreed to help put the grant application together and we will certainly do that. We will be happy to also brainstorm. Now, I will say very frankly that I have not seen any proposals or any work of any kind from the minority contractors association. So I know from our discussions, what they feel their capabilities are and what their hearts are into and I know there is a trend, but I would like to decouple the contract and let dsmbr do that. I would be will be happy to help dsmbr and we have all heard that officially.

>> Martinez: I agree. I think that would be very helpful moving forward so that these issues don't get muddled and get held up, quite frankly. To unfortunately, that wasn't convincing enough so I will try to make a motion to postpone this item until november 1st so we can work on decoupling the next few weeks and move forward with the contract. I will move for a postponement for november 1st, with obviously the added direction of, let's fully commit to decoupling moving forward and see if there is something we can work out with the minority trade association and continue this great quest. I believe these classes are wonderful. Obviously the feedback from -- the feedback from the clients is exceptional and we need to keep going but we do have some issues we need to address.

>> Mayor leffingwell: Motion by council member martinez. Second by council member morrison. Council member tovo.

>> Tovo: I just want, if you could -- if I could ask the maker of the motion and the second to just clarify for me what you hope will be accomplished between now and then.

>> My hope is that the conversation that started yesterday about how to support a minority trade association, separate from what we do from -- with small business development program can actually be fully fleshed out and everybody get on the same path of keeping austin the great city that it is and doing small business programs and moving forward on the construction side, which is also a key component to what we do. And not have it muddied all of the time, not have one holding hostage, you know, holding the other hostage when an item comes before council. I think we really can come up with something. Like they had a good meeting yesterday. I got positive feedback from johns and from the trade associations, but as he mentioned, there was no mutual agreement, an agreement to disagree. I just would hope that we could figure this out.

>> Tovo: So when -- and this johns, so that would push back the start date of the courses to, what, december 1?

>> We probably wouldn't start classes, then, until probably mid january, you know. December is a super busy time for small business owners. That's the height of their holiday season, so we wouldn't -- we would have low participation so we wouldn't even, you know, even venture to do that, just in honoring what their life is like during the holiday season. It is more important that they be out there, making money and collecting sales tax for us than being in the classroom.

>> Tovo: And that's probably typical of most decembers, i guess, in terms of the class and course you are offering?

>> Yes, ma'am. Probably the latest we would do anything would be early december and I don't think we could -- maybe just offer a class or two and that would be it.

>> Tovo: Okay. And then since I am asking questions, I will ask a followup question to one that was asked earlier and that is I didn't completely understand the response about why a 3-year contract is essential, given the development of online course offerings. I understand it takes time to develop those, but I --

>> what I was trying to.

>> Tovo: I am still having trouble understanding this.

>> What I was trying to say is we are going to be delivering classroom classes, period, but what we are trying to do is incorporate innovative way of teaching and delivering classes at the same time, and so the longer we have the contract, the longer we have to be developing all of those new initiatives.

>> Tovo: Okay. Thanks. and i will just say I am not going to support the motion to postpone. I understand the rationale that we need to have these discussions, but if we do postpone, we will miss -- we will basically miss this whole season and the disc -- the discussion is about collaboration with other departments. Those can go on, anyway. So I just think the consequences of giving this kind of aid to the small business community during the holiday season is too dire. Council member morrison.

>> Morrison: Thank you. This is on a bit of a different topic. I just wanted to bring up something that I had heard was raised at the african-american resource advisory council and there were questions about whether it would be possible for, in this contract, to ask that track the demographics of the folks taking the classes, and I wonder if you would be able to add that, whether we -- whether we postpone it or not, whether that can be added to the contract.

>> Yes, ma'am. We already have had and all parties are agreeable to that.

>> Morrison: Great.

>> Thank you.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I would like to make a substitute motion. go ahead.

>> Spelman: On item 18. go ahead.

>> Spelman: That's the motion. what is it?

>> Spelman: To adopt item 18, immediately, not to postpone it.

>> Mayor leffingwell: Substitute motion to approve this contract in item 18. Council member spelman and i will second that motion. Any other discussion? All in favor of the substitute motion, say aye. Aye. Opposed say no.

>> Martinez: No.

>> No. what did you vote, council member riley? So if nos are council member martinez, council member tovo and council member morrison. So that motion fails on a vote of 3-3 with mayor pro tem off the dyas. And so now we will go to the main motion --

>> Martinez: Which is the two -- to be postponed. All in favor of that motion say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. Did you say no?

>> I will say yes. all right. That motion passes on a vote of 4-2, with myself and council member riley voting no and mayor pro tem off the dyas. That's postponed until november 1st. That brings us to item number 33. Fuled because of speaker. First speaker, laura presley.

>> I don't know about y'all but I am tired. Hello mayor and council member, I am laura presley, a chemist, small business owner and allendale restaurant. I want to talk about item 8 million, something that is incrediblele waste of our resources. I will show you a presentation above and it shows you the total line -- slows you each line item that totals this 8 million and I ask council to pick this apart and put logic to this. This is about \$2 million to teach people how to use their reusable bags. The city requests funding for bag education campaign and we wonder why our community members are against the new bond and against the health care tax. It is because of the waste we see as citizens over and over and over again. This is a prime example of it. This item is just the tip of the iceberg and is indicative of how the staff is out of touch and uninformed of what's important to us as citizens. This is just shocking, \$2 million when we've got issues with our fire department, issues with our police department, and we are spending \$2 million on an advertising campaign. I am absolutely embarrassed. Three stop this waste and add some logic to this equation. Thank you. Any questions?

>> Martinez: Next speaker is lori bartlett.

[Applause]. Lori, you will have 3 minutes.

>> Thank you. Well, during the break i went and had a piece of chocolate cake and I have to tell you that it was exquisite. All of the ingredients in it were perfectly measured. This is my first time to speak here at the city council. I want to thank you for that opportunity. My name is lori bartlett. I am in broadcast media, my degree is in human resource, training and development. I am a taxpayer. I am alarmed at the seeming motion of ease at which we spend taxpayer dollars and today I want to specifically address the staggering amount of dollars being spent egregiously for education, training and development for a ban on single use bags. And I do want to point out that probably 50% of the population is female and we have been carrying bags a long time so I don't think we need two years of training on how to carry bags. But I also want to say and presley pointed out, this proposal is \$2 million. It is extremely out of touch for the community but a thread I have heard today is and I am going to use, keep austin weird, austin grew because of the ingenuity and the wit and the creativity of our citizens. This advertising can go back into the community and let's use the word recycle because we like recycle products here in austin. Let's recycle this money, to the high school, to the universities, to the elementary schools. Elementary school children can take a project like this and learn from it. And I am hearing over and over again that we don't have enough money in our schools, so this doesn't need to go to this corporate environment. It needs to go back to our community. It needs to go to our children, our high school children and that's about it. Now, I do want to say -- i want to going back to this cake, a perfectly made cake, the ingredients are measured well. Best recipe -- this recipe needs to go back to the kitchen and it needs to start over because it's too filled with baking soda and all we are going to do is raise the debt for taxpayers, and the way our country is going right now, we need to be very careful for the future of all off of ourchildren and because this is my first time speaking here, I ask, do we use the roberts rule of order here? Yes, we do. I want to clarify that. Thank you very much.

>> Martinez: bartless, for future reference, under roberts laws of order, when you speak and address the council, you are supposed to speak about the item, not necessarily about the chocolate cake that you had.

>> I think the chocolate cake, actually is a metaphor.

>> Martinez: I understand.

>> So you have a clear understanding of the spending, not only the spending but the amount of spending -- I mean who really in austin, texas spends how much -- let me see here, in this little recipe -- do you have this here? How much are we spending on social media? Can you tell me? Can you tell me, please?

>> Martinez: bartlett your time is expired.

>> \$100,000 In austin, texas, center of the country.

>> Martinez: Your time has expired.

>> Give me a break.

>> Martinez: The next speaker is brad parsley.

>> Thank you, council, and mayor and mayor pro tem, i see you are not here at the moment but I wanted to add something to this based on experience I had. I grew up in austin and graduated from one of the universities here and ended up going off and living in another jurisdiction and serving on the syria club executive -- sierra club executive committee and was involved from the beginning to end, including implementation of a plastic bag ban and I spoke with getterd a couple of months ago in support of this ordinance. In time, imparted key points that we learned from that, related to now item 33 before you, related to the marketing or advertising campaign to assist people in remembering to basically bring their reusable bags. The key things I want to impart, instill from that experience is the success of this kind of campaign is not determined by advertising dollars. It is -- so there is an opportunity here to save some money and to be frugal and still be just as successful. The success of this is actually determined by the interactions at the checkout between the clerk and the customer. And it's just a few simple points that basically the merchants give to the clerks to prompt the customers over a period and it takes about a quarter or two, to get into the habit of remembering to bring reusable bags. In the beginning it incorporates either buying or being -- accepting a complimentary reusable bag or two and then remembering to bring that back. All of that can happen successfully in less than a year. So what I wanted to recommend -- I think this item 33 is a little bit top heavy in advertising dollars, and I spoke again today, reintroducing myself to in getterd, and he remembered our conversation and bounced an idea with him I think would work and he byron johnson and acknowledged this to work and others are probably thinking of this, but to strike the second year off of this item. You can still actually vote on this item. You can verify that with johns son, but the second year of advertising dollars on this aren't needed for this to be successful. This is going to be adopted or not by the customers in the first year, and -- and the truth of the matter is getterd only needs approval for

the first year, he doesn't know about the second year of this. The second -- anything to the interaction with the clerk and customer at checkout and a few simple prompts, the other thing that makes campaigns also successful is the -- [buzzer alarming] --

>> local jurisdiction providing bags complementary and for this year, there is gettard to have this component. That's all I have. If you have any questions for me.

>> Martinez: Thank you, mr. parsons. The second speaker is clay dapho.

>> Austin city council, you are considered item 33 to authorize award and negotiate execution of 24 month requirements with sherry mathews advocacy marketing. What for? This is a public education campaign to plaintiff business establishments of the requirements of the city ordinance and citizens for single use carry out bags only in austin, texas, in an amount not to exceed \$1,755,000, to educate people the facts that you banned bags months ago and it is about to go into effect and businesses are upset. The bag ban was pushed without the consent of this community. Long time bureaucrats, gettard, they will stand up here and lie to you what about the community here in austin needs. We are not idiots. We have intelligence. We know what's going on. We know that you banned bags. We don't need to throw \$2 million at this campaign. martinez, the disrespect you show to citizens is unconscionable. I can't believe it. It is so rude. You are over -- you are over the top. The expenses for social media are ridiculous, a website, social media, facebook, \$95,000. Heck, I had a friend do my website for free. I am sure you guys could find someone who is that into the bags and banning the bags that they will help you. Paid media, \$765,000, i don't know what media that is, pr, 168,000, \$315,000 on creative concepts. In quotation. I am afraid you all can't handle the next generation of austin politics which is stop the spending, save our money, act responsible. I am citizen clay and our people here in austin, texas, are saying stop it, stop the theft. Who is minding the public first here, I would like to know. I am afraid certainly not our mayor, lee leffingwell and by the way, I don't know where he went to just now, but he is behaving as a coward because he is afraid laura presley around johnny and others and ronnie reeferseed who are speaking truth and truth scares the man, just like it scares all of you. So I will give you a little more truth here for 30 seconds. The way this was pursued back in august and then in february was totally the wrong way to go about it. You guys are public servants. You are not spending a piggy bank account. This is our money. This is our city's future. This is our wealth. These are our children, our grandchildren. What do you want the future of austin to be like? A place only billionaires can afford? A place the next malibu, where formula 1 can come here and shut down the whole city because they have big money? That's wrong. I am a texan and I am not going to take it. Vote no.

[Applause] next speaker is ronnie reeferseed. I echo everything that clay just said and for this boon doggle marketing for the sherri mathews advocacy, et cetera, is one or the other qualified offerers, which is not even a real word, i don't think, but they all agree to a mere \$1,750,000. How is they all come to the same prices that so outrageous? Anyway, changing behavior through education is much, much, much, much, much, much more effective relatively cost free and with immeasurable benefits, like ripples in a pond that they are long lasting and they leave even -- we educate the world by making these touchy feely rules, to force businesses, to punish, their customers simple minded, wasteful, counter productive and of course destructive to all business. Now, if we want business to come here, we don't want to destroy their profit margin with these

touchy feely, half baked idiotic ideas, i think. So let businesses make their own rules with their own ideas about how to choose citizens to use some particular type of bag if they so choose or maybe not. Leave it up to the business, the business decisions that y'all just don't have any business making for everybody else. And recycle the precious taxpayer dollars by returning them to us. And not wasting them on yet another half baked scheme to punish all businesses with your abusive ideas. Punish the citizens, punish the local businesses, because we kind of have an idea we sort of half faith thanked the bag will be better if we tell people what to do. This is authoritarian cooks and this is not your job description and we don't have the time or money in the literal oppression that is going through right now, to play these games. We have real needs. I am not saying the government isn't all functioning, it is worthwhile to function in some way, but this is totally wasteful, \$1,750,000. Think about how -- how much education on all kinds of things we could -- I mean, i don't think we should get anywhere near that. We could save that by just educating people, for 20 years, we could be publishing the facts on what is best to do and encourage the kids in the school to not all want to die and this death kind of culture we allow to be pushed on the kids every which way but here we, again, just rely on the liberty that was granted to us by our founding fathers in their very design about how to make rules, how to get things done. We just pay attention to those kinds of concepts, we will save money. We will save lives. We will save our environment.

[Buzzer alarming] time is up.

[Applause] allen fees. Will mcloud. Shawn ireland. Those are all of the speakers we have. I will entertain a motion. Shawn is here. Okay.

>> Good evening, ladies and gentlemen of the city council and especially to bill, I haven't seen you since the election. Glad to see you here. I hoping you are feeling better. I just want to speak against this -- this ad campaign. First of all, I would just like to say that it's unnecessary. It's \$2 million that we can keep a hold of. Let's remember that educating the population on important issues that are affecting them is what the news media does anyway. That's what they do. They find things that are important and they put it in the paper. It's not a -- I'm am afraid -- I am not going to say paid content -- that's beside the point, but -- i mean, let's think about it. Do we honestly think that they are not being -- there not being plastic bags in march is something that cnn, npr, states view, the chronicle, the villager and grocery stores themselves will not tell the 800,000 people in austin? That's -- I think that's ridiculous, and especially when, you know, you honored officer padrone and \$2 million sounds like five new cops pay in -- pay and benefits for five years, so why don't we honor officer padrone and put this money where it is actually needed. I have a man who has amputated legs and has a wheelchair on the street because the sidewalk ramps are too narrow for his wheelchair. I don't know how much it will cost but I can tell you it is a hell of a lot less than \$2 million. There is no turn lane on manchaca between ben white and william cannon, I don't know how much that costs for it, but I am sure it is less than \$1.7 million. You know, I understand the need to citizens of new laws but this could be done through the media's own business model and we can -- you can message to them what you need to do through press releases or, you know, multiple medias or facebook or the website, and, you know, I just -- when we have an infrastructure needs and also quality of life. I mean, I really don't want to see the city council 7 million and them tell the city of austin there is no money for trail of lights this year. I mean, I remember that whole debacle. Here is money for it. All we have to do

is not pay newspapers to do what they are doing, anyway. And I think that it would be a gross misuse of funds, i mean, unless you think that this entire thing is going to come and go in march and not one newspaper is going to say -- or radio station is not going to say a single word about it unless they are paid cash money for it. There is \$2 million that we can save. Do it through press releases. Mea will take care of itself. That's what it does, invest people. I would strongly urge you to consider \$2 million that could be use towards infrastructure, quality of life, hiring more officers, trail of lights or something like that. Any questions? no questions.

>> Thank you very much. Have a good evening.

>> Mayor leffingwell: Entertain a motion on item 33. Council member martinez moves approval. Second by council member morrison. Council member spelman.

>> Spelman: I would like to getterd a couple of questions. I realize it is late and it feels later than it is. This is \$2 million and we need the take this seriously. Remine us why it is that we need to spend money on advertising and we can't rely on as it was suggested on the earned media to carry the message for us?

>> Tom getterdt director of austin resource recovery. The basics to educate businesses, there are 25,000 businesses affected by the ordinance. There is also a need to correct misinformation that's been presented over the last 6 months and to educate the citizenry on the changeover and the ordinance. When I speak to the other cities that have enacted this ordinance, the main number one advice I get is educate the public before the ordinance takes effect.

>> Spelman: What happens if you don't educate the ordinance before the ordinance takes effect?

>> I have heard many comments from retailers, particularly large ones, expressing concern that the anger will be at the checkout counter.

>> Spelman: What -- so to some extent is we are providing service to our customers but some extent we are providing service for the cashiers at the checkout counters and not having to people who should have known different? How could you scale this this number and not another number?

>> I believe it is adjustable number but based on conversation with five large cities that have walked this path and scaling it to the size of this city. So it's based on the judgment and conversation with -- with experience from five other cities.

>> Spelman: My guess is that you are getting it -- the best bang for the buck at some mid level, from the beginning you need some level of market penetration. Once you get to the certain level of market penetration, then you get the most bang for your buck and it starts to tail off. Are we at the high velocity part or another part of that function?

>> I leave that to the couple's discretion on the level of funding but i believe this is a reasonable request for the task at hand of educating 800,000 residents.

>> Spelman: Do we need provide funding for two years?

>> It could -- I would offer that we could do a midterm evaluation and determine whether a second year is needed.

>> Spelman: Okay, so we could do this for one year and then take it up again roughly this time next year to see how well we have done, what kind of adjustments have been made so we don't have to commit .75 right now?

>> Yes.

>> Would it be reasonable to scale back, I think you said \$1 million for the first year, is that accurate?

>> 1 Million for the first 75 million for the second year.

>> Spelman: Would it be reasonable to scale back the 1 million to a smaller number and get the vast majority of the bang for the buck?

>> It would be a tradeoff in benefits and it would be a negotiation with the selected contractor, but it can be done.

>> Spelman: How much could you scale it back and still maintain the contract with sherri mathews?

>> I think I yield to byron johnson on contract management and how we can handle the selected contract in that manner.

>> Byron johnson, purchasing officer. It depends on what the partner wants to do in put in their plans. Just in case we talked to the company, the idea was broken out for costs for the first year and costs for the second year and costs were broke down to about a millions for the first year and 750,000. If you looked at making this a one-year only program, you might be able to do maybe around another 150 off of that million dollars and still be able to have a viable program according to their estimates.

>> Spelman: Mayor --

>> anything lower than that couldn't hit all of the pieces that were in the and we would probably have to look at redoing the r.f.p. and reissuing it.

>> Spelman: But this r.f.p. Would still be valid at \$850,000 on a one-year contract, which is a little less than half of the total 75 over a two-year period that we were originally talking about?

>> That's a correct statement.

>> Spelman: Mayor, I would like to make an amendment which may or may not be regarded as friendly total tax have this a one year contract for \$850,000. you want to make that a friendly amendment or substitute motion.

>> Spelman: I will offer it as a friendly amendment.

>> Mayor leffingwell: Council member martinez.

>> Martinez: I accept it as friendly, as long as staff feels like that's something they can do and it sounds like it. Doesn't sound unreasonable at all. and to the second, council member morrison. I have to point out that last month during the budget hearings, I proposed that we cut this amount from 75 million to 750,000, almost exactly what we are considering here right now. I just had to say it. Sorry.

>> We are listening to you, mayor.

>> That's right.

>> Spelman: Sometimes it takes a while.

>> Martinez: You are a month and a half ahead of your time.

[Laughter] all in favor of the motion as modified say aye p. aye. Opposed no, passes on vote of 6-0. Mayor pro tem off the dais.

[Applause]

[one moment, please, for change in captioners]

>> so it was certainly my understanding that at the budget process we decided and staff concurred, that we would continue and go forward with the membership as is this year, and what we have on our agenda instead is -- instead of a \$90,000 membership, which is something that's been constant for the past 20 years or something like that, and is sort of a -- can be looked at as a reallocation of costs for clean air, among all the partners, instead what came back to us was basically something staffed proposed in the first place, that I thought we had decided we weren't going to do, and that is a \$10,000 membership, and then a contract for certain deliverables and services for \$80,000, and the idea in the proposal is to negotiate and execute this contract with certain deliverables. Now, the other part of this is that it's important that the money flow to clean air force very quickly. That's a concern of theirs. I'm very concerned about -- so one question would be what does it really matter which way we do it. One concern I have is -- I guess I heard that staff said that they could do the contract three days. I've never seen anybody work that fast and I think that adds a risk to clean air force. Frankly I think it's concerning we come to an understanding in one session and then it comes back with staff moving down the path that we had actually said no, hold on a minute. We need to talk about that. So I would -- I understand that we can't just do a \$90,000 straight membership with this posting. So my motion is going to be that we withdraw this item and ask staff to come back on november -- for the november 1

agenda with a \$90,000 membership, which is payment to clean air force, which is consistent with what we said we were going to do during the budget, consistent with what we've done and with the understanding that we are going to have that conversation about whether and how, if we do decide, to move towards something different than that in the coming year. So that's my motion, mayor. motion to withdraw with direction to come back. City attorney.

>> I just want to make sure, council member morrison, that you want a more -- you want a specific posting and not just a general posting for \$90,000, is what I'm hearing, because I don't want us to have a posting concern. So what I'm hearing is that you want staff to come back with a posting that specifically says \$90,000 for membership as opposed to just a general posting that says \$90,000 to the clean air force, and not designate what that money might be used for. well, it's my understanding that we had all agreed that it was going to be \$90,000 for a membership.

>> Okay.

>> I'll tell you what. I'd like it to just be the posting that we've done in the past, because that was my understanding that we were going to do it the same w did it in the past.

>> That's great direction. That will help to make sure the council is not frustrated when it comes back. maybe we can touch base and see if we can find what that is.

>> We'll do that.

>> I want to make sure we can do what we said we were going to do.

>> Okay. well, were you going to second council member riley?

>> Riley: I was not. I was going to say I guess i have a different recollection, but I can't recall exactly. What I recall is we talked about the amount and we decided we would have this amount, \$90,000 available, but I don't remember getting into the details of exactly how we would direct that amount to the clean air force. And I was going to ask mr. Johnson, if I could, about how we could divide that money. My sense is that it would be helpful to the clean air force to go ahead and get some funding now to allow them to continue their work, and my preference would be that if we could hold -- make clear that some of the -- some of this money. We still want to have some money to hang on to work out something after we get the recommendations on a clean air program. So, for instance, we could pay -- say we were to pay \$10,000 for membership and \$40,000 for services, similar to what we've done in the past, but then we hold back the other \$40,000 for negotiation after we get the report on the -- on the air quality program so that we could negotiate with the clean air force and to see whether they would be able to help us carry out the recommendations of the -- on an air quality program. So in other words, we'd essentially be dividing it in two phases. We'd have an annual membership, we'd have \$40,000 to continue the services for the short-term, a then for the longer term we'd still have \$40,000 so that we could work out service in connection with the recommendations on the comprehensive clean air program. That would be something along those lines. just out of respect for the process let's see if we can get a second for council member morrison and then you can go ahead with whatever action you want to take. Is there a second for council member morrison's motion? can I get a

refresher on the motion? To withdraw the item before us today and off staff direction to come back with a posting that we've had in the past? that would allow us to do what we've done in the past, yes.

>> Tovo: I'll second that. second by council member tovo. Now, council member riley. I guess I would like to get some guidance johnson, about whether we could essentially have a two-phase procurement on this item so that we would initially -- we would go ahead and renew membership at \$10,000 and have \$40,000 for services comparable to the past but then we hold back on the second phase and negotiate the second phase after we get the recommendations from staff on the comprehensive air quality program. Would we be will to divide -- we be able to divide this contract into two phases along those lines?

>> Byron johnson again, purchasing officer. As the city attorney said, as long as we got clear direction on what council's intent is, either the direction the other way or the direction with this one, both of those are viable alternatives. i think what council member riley is saying, can we modify with this posting language, another motion for \$10,000 membership fee plus \$40,000 in - - for involvement in clean air programs, and award \$50,000? Am I putting words in your mouth? that's not quite right. Stick with the \$10,000 membership, but then with the remaini \$80,000 -- we'd have two phases. First phase would be \$40,000 to continue with services along -- similar to what we've been doing, and the second phase would be the remaining \$40,000 and it would be based on -- it would be up to \$40,000, and it would be based on negotiations based on the recommendations from staff on the comprehensive air quality program.

>> Yes, the way the item is posted, if you want to break it out it is limited to \$10,000 for membership, and then it's posted in way that says not to exceed an amount for program. So if you want to only allocate \$40,000 of that 80 tonight, I believe you could do that. I thought you were asking more about the way the contract would be structured or this procurement was advertised for structuring this contract. But if that's what you're trying to do I think that can be done under the posting. so that's a substitute? I would offer that as a substitute motion and I'll say the idea is to maintain a relationship with the clean air force, to keep them up and running but to hold open the possibility we could restructure the services that they were providing based on the recommendations on the comprehensive air quality program that we expect to receive from staff within the next month. and that is seconded by council member spelman, and I'll just say I'm going to support the substitute, but I think we've got to get this resolved early in time for next year, because we've had the same discussion for two years in a row now about this \$90,000 fee. It's been conscientious. So we need to get something settled early on and decide how we're going it to proceed in the future, whether it's going to be a lump -- a large lump sum membership fee or a -- or a modest, more typical membership fee plus an award for the services they render, which is what is being offered here. So council member morrison?

>> Morrison: thank you. I want to mention a couple things. One, I'm hearing a little bit of something that doesn't quite jibe for me or maybe sense. I'm hearing you say we should get this settled early in time before next year but I'm hearing council member riley say let's hold the 40,000 out for the rest of the year. So it sounds like -- I mean, I don't know how long this process is going to take. I wouldn't be surprised if it takes a long time, but it sounds like we have sort of disparate understandings of what's really going to happen. And I do want to say that i did go

back and look at the video of what we said during the budget session, and it was that we were continuing that support of clean air force this year as we have in the past. So that to me sounds like that would -- this is not comparable to what we did in the past. So I really think that we're moving down this path that we said, hold on, we're going to have a conversation before we move down this path. I really feel like we haven't really kept our word, frankly. all in favor of the substitute motion say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no.

>> No. passes on a vote of 4-2 with council member tovo, morrison voting no, mayor pro tem cole off the dais. And that brings us to item no. 49. 49 Was pulled to speakers. Is lorri bartlett in the chamber? You have up to six minutes. What's your name?

>> Brad parsons. so you have to up to nine minutes. laura presley, small business owner and allandale resident here in austin and I want to speak out against item 49 for 7 million for bundled, undefined advertising. And the bottom line is there's no indication of what these expenses are for. When you look at other budget items you have a real good description, council, for what the items are going to be for and what time frame. This is -- there's no description on this 7 million except a general adve category. Also this advertising budget 7 million is 2x what it was last year. I've looked up the on-line checkbook and looked at every single vendor, and the budget is 2x what it was last year for the same vendors. And I'll go through that. Also, the documentation, and I've got it marked in blue in a blue box, says that these expenses are for routine transactions. When I think of routine transactions, that means something that's something we need year on year, and I'd like to walk through that many of these vendors we haven't used them for two to three years. So I'm not sure how we can call that a routine transaction that's needed. One of the things I've highlighted here on this page, you see all of the vendors and the amounts that we're asking for, totaling 7 million, and the ones with red asterisk, it's a little bit of an eye chart, but those vendors, that amount significantly exceeds the expenditures that we have for those vendors last year. So it's a little concerning. Okay. Let's go to slide 2. I want to walk through some of these. Go to the next slide. Thank you. All right. First one, arriba. We're ask \$18,000, and we have not had advertising that we paid arriba for advertising for the last two and a half years, and you can see this is a download from the earthquakes checkbook. The echeck back book last one was 2010. Austin american-statesman, 475,000 we're asking. The last year, 12 months, we've spent 374. That's over -- we're asking for 100 k more than what we've had last year. Next slide. Austin Business Journal, we're asking for \$75,000. We've not had any city money go to austin business journal for advertising, for non- -- it's called non- -- what's the word? I'm sorry. Nonlegal notices for over -- for about three years, so again, I'm not sure how i understand this as being routine. Go to univision, \$125,000 for univision. We've not had any routine expenses for them in over a year. Keye \$125,000. We've not had routine expenses for them for advertising for the last three years. Next slide. Ktbc, \$125,000. We've not had any routine expenses for them in the last three years, since 2009. Kxan. This is a very interesting one. We have never had an expense to them since this echeckbook has been on-line. Zero, and we're asking for 125,000 for routine expenses and transactions. Nacoa, this is the most interesting one, 1,000, and I love nacoa. Quasi evans is a good friend of mine. We've not had payments to them

per the on-line checkbook for the last three years, and I talked to aquasi today. He was not aware about this at all, not even aware that he was getting \$18,000 or it was going to be requested today. And he is listed as speaking, but he had to leave. And if I look at all of these other expenses that we have for the city of austin, the vendors are aware that they're getting money, and they've made requests, not in this case. Next page. The villager, \$18,000, again, we've never had any expenses go to the villager in the last three to four years that this on-line checkbook has been on-line. Time warner, \$100,000. We only spent in the last 12 months \$9,000 with time warner. It's not a routine expense. And the last one, the university of texas, \$100,000, where the last year we've only given them 41,000 in advertising that's not legal notices. Again, not routine. I'm not sure why we're spending 2x dollars for advertising that we had last year with these same vendors. I would really implore you to ask a lot of questions about this item. I would ask you to please postpone it so that you can ask those questions and talk with these vendors, that they're aware that this money is being asked on their behalf. And that's it. Any questions? And I can get a copy of this powerpoint to each one of you if you'd like it. Thank you. Bill, do you have a question? next -- council member spelman.

>> We can get you a copy. Yeah. Thank you.

[Applause] next and defoe, when you spoke on the last item i was not on the dais but i was in the chamber, and let me say that you're very welcome to speak to this group, but we expect you to conduct yourself like a gentleman and not engage in personal insults, and if you do, your time will be terminated.

>> I've always behaved like a gentleman in this chamber. I said you were basing like a cow, I didn't call you that. if you do that again your time will willbe term naipted.

>> I'm trying to talk about this. I am 49, is spending 7 million that our mayor doesn't want me to talk about, we've got almost \$500,000 going to the austin american stateist. That's 475,000 to be exact. 125,000 To keye, 18,000 to the chronicle, 100,000 to ut austin and it's called a routine transaction, folks? To me it looks a lot like corporate welfare. \$100,000 To time warner. What about the austin business journal? Extremely friendly to the developer community, the corporate interests here in austin, that one to transform our city into a rich person's paradise. 125,000 To austin business journal. I don't have anything personal against anyone up here on the dais. It's the fact that the money is going to a black hole. And I'm afraid that this money could be used as a potential pay-off in the future to support politicians' campaigns that are corrupt and are in bed with these journalistic interests. Now, I work on the rise-up radio show with john bush. How much would you push that out, mr. mayor? Well, we don't want that dirty money. True citizens cannot be bought off. I don't have as many specifics on this matter as laura presley, who hit it right on the money, and I don't think I can add much more to what she said because she takes a very reasoned, responsible approach to these questions, and that's what I would like to see each and every one of you take. I know the potential is there. I know we can work on these issues together if we start acting like a real community instead of acting like we're in a boxing match and threatening to kick people out and banning people for seven months, which has now been ruled unconstitutional, by the way, city attorney, and I think that these people that have been falsely hurt and falsely accused and falsely gownld by these council people show where we're at with the government, which is the government no longer respects our friction. You can run rough

shot. 7 million to all these publications, and I'm against it. There will be an uprising in this country. We're going to say no and people on the dais that vote mayor, and the threats you make towards your citizens are not going to be taken lightly when it comes to pass. So I hope you'll take a more reasoned approach, and i love you all guys. We're in the same city, it's okay. There's always a chance for change, and that's what i wake up every day. And even though the things may not go the way I like in austin since I was here in two four, I have hoped -- 2004, I have things will become better instead of piddling away the taxpayer dollars and thinking we have to keep giving these corporate welfare deals to newspapers. Thank you for your time. next speaker is ronnie reeferseed gemry.

>> That's not my name. this is the way you wrote it on the sign-in sheet. I'll call you whatever you want.

>> [Inaudible] all right.

>> Okay. On 49, to authorize exempted wasteful financial permanent boon doing link on steroids for a 697, \$100,000, for things such as to bribe local news organizations to push your propaganda, not to help their organization, not to help any of us, not to improve the news or coverage or giving it to other worthy outlets like clay was talk about and, you know, 60,000 for the chronicle, 125,000 for all the stations including univision, and of course one thing about bee low I can tell you, it was -- it actually gave me my first paying tv job as a kid. I was an award-winning kids show. But that's beside the issue. This payment of tax dollars to bee low broadcasting reminds me of, by golly, the precious taxpayer dollars that you people chose to the biggest company in the history of the world, who often drive their abused workers to suicide. Have you all heard about that? They've got nets around their buildings, for their workers to prevent them or to catch the bodies on the way down or something. I mean, this is horrible to give them our taxpayer dollars. If they want to move here, great. There's lots of reason to move here and we don't have to pay anybody to move here. We shouldn't touch a penny of the taxpayer dollars to do any of that and to give 100,000 to ut? They've got a permanent deal of -- their hands in the pocket of the taxpayers, with the state of texas. We don't have to contribute to that. And all this other -- all these other -- like arriba and -- for the latinos, the latino press and we give 18,000 to nacoa, and the villager. It's mind-boggling and insulting and it's counterproductive, and again, we're in a depression, people. Pay attention to the real numbers, and people are hurting, not just me, a whole lot of people are getting poorer every day. We need to hope to be able to live. We don't have money to waste on these highfalutin schemes, and again, we don't have to pay apple or anybody else to come here. If they want to live this wonderful life that we all enjoy here, for one it would be a whole lot better if we weren't choked down on the poison in our water, where we're poisoning everybody, but there are good things about austin, but, you know, some people don't like poisoning their pets and their gardens and having to pay for somebody else to supply them water so they don't have to be poisoned. But one of the many things to talk about. We'll talk later.

>> Mayor leffingwell: okay. Crazy evans I don't think is here but -- not here. That's all the speakers. I'll entertain a motion on item 49. Council member martinez moves approval. spell I'll second the motion. go ahead. I wondered if, johnson, perhaps you would be the best person to answer this. Why did -- why did this happen? Why is the amount of money that is authorized not

to exceed in item 49 approximately twice the actual amount we spent in the previous year? And why are some of the media outlets that are identified and it's -- in this not to exceed item so much higher than we've spent on them before.

>> Byron Johnson, purchasing officer. The item before you today is a culmination of an aggregation of the dollars that are spent for advertising. As a directive from the law department, the purchasing office worked with the controllers office to look at payments that were made directly to these companies over the past year. So a lot of these payments ARE NOT IN THE eCHECKBOOK Portion because they are made as either a direct payment or in some of the cases of some of the smaller firms such as Nacoa and those firms, they can't wait that time to be able to process the check request, so they're paid by the the procurement card, like Mr. Swayze. We worked out with him to where he submits an invoice, it gets paid through our procard and it gets paid directly into his paypal account and in 24 hours he has the company versus the check going through a check request, taking quite a bit of number of days to do this. So there are ads that are placed. The item before you does not -- does not spend any money. What it does is it recognizes that the law department has said that there is a level of spending authority for the city manager on an annual basis, and when it exceeds that level of authority should come to council. So these are expected expenditures that would be coming -- would be spent over this current fiscal year. None of these has been spent as of today and no money directly gets spent with this authorization. What this does is allows the payments to be made by various different departments to do. Prime example would be Austin Energy, for ads that they do. Nacoa, the villager. We put weekly ads in. Actually purchasing does for our solicitations. So we do those on a weekly basis to do this with. So what this does is recognizes there is a level of authority out there that is exceeded by this aggregation of this, so when the legal department looked at this, they said they think the right way to do this is to come to city council, have city council approve it. So these now would be on an annual basis. We would bring these forward. We anticipate that we would have to probably quarterly come back for some updates. If the monies change back and forth to do this one. But as of today at this 00, these are not payments that have been made, nor are they direct payment made as by this council item. Just provides the authority or the vehicle by which those payments could be made. Byron, do you have a sense for -- that answers my question quite well. Thank you. Do you have a sense for about how much money we spent for advertising in aggregate? Including the check card, pro-card, in any formulas year?

>> What we've done is we've taken that amount and we've come up with it for this year for that same amount, recognizing that if there's an increase, we'll just come back to council again and ask for, again, more money. and these are routine transactions, although it wouldn't look that way if all you had available was an e checkbook to take a look at. -- Dictated by state law or by our own administrative procedures?

>> Most of these are nonlegal advertisements, and so they're not -- they're not dictated by state law. We're putting them there to get the word out for public. We use them for project-specific things. We may say Waller Creek has got something coming up for a specific bid. We may go out to the construction community that talk about construction sites, do this one. But there are three places payments are made, obviously through a contract, through eCHECKBOOK, A DIRECT Payment done through a difference -- check request, and those are on-line also, and then also through our pro-card or our credit card program, and so these are a direct aggregation of those

exact dollars provided for this as a base for year zero going forward for this as the other items are that you had on the agenda today.

>> Spelman: okay. So aggregate all those three, we spent \$1.7 million last year. That's what you expect we're going to spend, about, this year? It may be less, may be more, we can adjust it over the course of the next year and each of those categories, each of those media outlets is about what we spent last year when you aggregate all three of those sources?

>> Yes, sir.

>> Spelman: thank you.

>> Mayor leffingwell: okay. We have a motion on the table before we vote. evans, we called your name a minute ago. Did you want to say something? Come on down. and I'll tell you what, before you speak, without objection let's lay this item on the table and accept a motion to extend the meeting past 10:00. Council member spelman so moves. Council member tovo seconds. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. No.

[Laughter] i misspoke.

[Laughter] 6-0 with mayor pro tem off the dais. So now we'll go -- we'll take item 49 off the table and, mr. evans, go ahead. You have a few minutes.

>> Thank you very much for the gracious gesture. manager, council members, I'm a little bit out of breath because i really rushed to get down here. I've been listening to your dissertations and I know how important print media is as well as television and radio to getting the word out, because we have readerships, listenerships, and viewerships that have depended on us for years. Nacoa just celebrated its 25th anniversary in august. The villager has been around for 39 years. The capital city -- I was in have been around for over 50 dwrers. These are the -- years. These are the three african-american newspapers you've included and we appreciate being included at the bottom, but we don't want to stay at the bottom forever. We want to ask the council to be more like what jesus said, the last shall be first and the first shall be last, instead of the last being last forever. There has to be more parity in the budget. I'm in a unique position because I have a newspaper that is a progressive political newspaper that's multi-cultural. The only one in the city. But I'm categorized as african-american and i don't -- I don't have no problem with that. But I serve other cultures as well, and other interests as well, like the gay and lesbian community, the women's community, and for us to be stuck at the bottom means we're going to stay at the bottom. So if you want to attract those people, those students at ut, houston-tillotson, acc, if you want to attract the various cultures, there has to be more parity. If you want to change the paradigm of the whole city where we have not had economic improvement in over 30 years, in fact, we've had retrogression, you have to change the paradigm. I appreciate whatever support you can give us, but give us some respect to go with it, please? Thank you.

[Applause]

>> mayor leffingwell: okay. Motion on the table. All in favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with mayor pro tem off the dais. Takes us out of our morning agenda. We go to item no. 93.

>> Good evening mayor and council, I'm virginia collier from the planning and development review department. This is the second of two public hearings for the full-purpose annexation areas, 93 through 103. Let me remind you council isn't scheduled to take action on these items today. Ordinance readings are scheduled for november 8 with an perspective date of 9 the 17th. The policies described in the imagine austin plan, the city should annex areas, to protect and expand the tax base, more efficiently deliver municipal services such as public safety and utilities and coordinate the extension of these services to developing areas. By expanding the territory subject to city ordinances, regulations and codes, annexation improves the economic base and enables the city to manage imroat and new development. I'll briefly describe each area in turn and attempt to answer questions from last week's public hearings. However, in general upon annexation the city provides full municipal services to each area, including those services provided by other entities such as the county. Copies of the service plans for each of the areas are available this evening and I'd be happy to send anyone a copy that is unable to attend this evening. In compliance with statutory requirements, the draft service plan for each area includes three main components, the first being the early action program, which includes services that we provided in the area commencing on the effective date of annexation, includes services provided at the same level as comparable areas of the city, such as police and fire protection, emergency medical service and solid waste collection, as well as operation and maintenance of infrastructure at a level equal to or superior to the level of operation and maintenance in the area of annexation, such as water and wastewater facilities, roads and streets, street lighting and public parks and playground maintenance. The second section of the service plan contains additional services, which are those services not required by state law, but available citywide such as watershed protection, development review, use of city libraries, health and human services benefits, and a clean communities antilitter services and finally there's a capital improvement section in each service plan where we would include information about capital improvements necessary to provide municipal services to the area. 93 the phase one area, includes approximately 28 acres located in northeastern hays county one mile south of interstate 45 and escarpment boulevard. It's in the limit the purpose jurisdiction and on the northeast side of the tract and it's being annexed in accordance with the regulatory plan and the owner's request. It's undeveloped and includes remaining single-family portion of the approved phase 1 preliminary plan, the balance which is in the full purpose jurisdiction. Upon annexation the city will provide municipal services to the areas described in the service plan, copies of which are available today and this concludes the staff presentation for item 93. so we'll conduct a public hearing. Paul robbins?

>> Paul is not here. A van yeah avana

>> council, I am not against this or any of the other annexations per se, but I do want to make a point. Austin has the highest water and wastewater cost of the top ten Texas cities. It is the highest in all rate classes. It is 26% higher than its nearest rival. And one of the drivers of this is annexations and service extensions related to growth. Debt is 52% of this highest water cost, and I want to show you a breakdown of this debt. Could you --

>> Mayor Leffingwell: Mr. Robbins, this is an annexation hearing, and I understand that you're trying to tie this lecture on water utility cost to annexation, but I'm going to hold you pretty close to that. I want you to talk about the annexation.

>> Fine. Can I have -- and housing annexation -- how the annexation might affect water costs.

>> Yeah, I was thinking of doing that, actually, and I was hoping that you will add the minute back that you've taken off my time. Your time has been paused the whole time I was talking.

>> Okay. I was a little surprised when I first got these numbers. I thought the debt would be dominated by treatment plants, and while water treatment plant 4 cost and overruns will drive rate increases going forward, the biggest cost in this chart is pipeline infrastructure and some of this is related to annexations. Note the broad green swatch at the bottom, which is 36%. Now, I can't tell you how much these annexations will take over the next year, how much they'll cost the water utility, how much they'll drive up our already high cost, but I suspect that annexations are a main reason for Austin's being the highest cost water utility of these top ten Texas cities. And council needs to devise a plan to get us out of this situation. This may require a major adjustment in the way Austin grows and annexes going forward. Kennard, I'm still waiting for your call. Good evening. That's all the speakers we have signed up. I'll entertain a motion to close the public hearing. Council member Morrison so moves, Council member Martinez seconds. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Aye. Opposed say no. Passes on a vote of 6-0 with Mayor Pro Tem off the dais. 94 is Upper Bear Creek City parcels area which includes approximately 1100 acres located in southwestern Travis County and northeastern Hays County east of the expressway, at the intersection of South Mopac and State 45. This is in the limited purpose jurisdiction and it's adjacent to the full purpose jurisdiction on the north and west sides of the tract. Includes water quality protection lands and the city will provide municipal services described in the service plan, copies of which are available today and this concludes the staff presentation for item 94. We'll conduct a public hearing but no speakers so I'll entertain a motion to close the public hearing. Council member Morrison so moves, Council member Martinez seconds. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Aye. Opposed say no. Passes on a vote of 5-0 with Council member Spelman, Mayor Pro Tem Cole off the dais. 95, the Greyrock Ridge area includes approximately 178 acres and is located in southwest Travis County, south of the intersection of Mopac

expressway and state highway 45. This area is currently in the city's limited jurisdiction and is adjacent to the full purpose jurisdiction on the north side of the track, and again this area is being annexed with the regulatory plan and the owner's request. The area is currently undeveloped and includes approved greyrock ridge single-family residential subdivision. The city will provide full municipal services to this area as described in the service plan. Copies of which are available today and I'd be happy to answer any questions you have on item 95. thank you. No speakers signed up. I'll entertain a motion to close the public hearing. Council member martinez, so moves. Council member morrison seconds. In favor say aye.

>> Aye.

>> Mayor leffingwell: aye. Opposed say no. Passes on a vote of 5-0, council member spelman and coal after the dais. 96 is the circuit of the americas area. Includes approximately 1584 acres and is located in travis county, south of pearce lane approximately 1 1/2 miles east of pearce lane and ross road. This is in the city's e.t.j. And adjacent to the full purpose jurisdiction on the northwest side of the area. This area includes undeveloped land owned by state of texas in addition to an undeveloped agricultural parcel alley, segment of right-of-way and the circuit of the america site itself. The circuit will coordinate with travis county coud and will share costs and participate in future roadway projects in the area. The tract that is appraised for agriculture use for ad valorem tax uses has offered to enter into a development agreement with the city that status, in lieu of annexation at this time and as part of that agreement upon filing an application to move forward with development of the property any restriction on city property would become void and unenforceable 68 the developer signed an agreement, and I'll bring that forward when you're scheduled to take action on the annexation. The city provide municipal services in this area described in the service plan, copies are available today and this concludes the presentation for item 96. thank you. Conduct a public hearing, while he's coming forward, is adon torres here? Adon torres. Okay. Andrew kasraes? He's here. Wesley porter? He's here. Russell pew? Is here. So you have up to 15 minutes.

>> Thank you. My name is ken bailey, I'm the fire chief for esd 11. I'd like to speak on the impact that this annexation will have specifically for emergency services in southeast travis county. But before I start I just would like to say on behalf of the people from esd 11 that are here, we were honored to have been part of the officer peron's service here today, so -- moving on. The -- let's see if we can't get this to work. There we go. The potential problem is that the city of austin will potentially annex this coda tract by the end of the year, and if normal annexation processes are used, then it is likely that our department will lose hundreds of thousands of tax dollars. Regardless of the annexation, the impact of the coda tract will have -- coda will have on the -- esd will be significant and i think that's evidenced by some of the conversations here earlier. If you can imagine the impact you'll have do you want and then you transport it through our district into about 1500 acres. And we have 3400 residents approximately that will be affected that are around the tract and through the traffic plans that all of those folks will be routed to, and that will affect our ability to reach those people in a timely manner. This is a map of our district and essentially you can see the coda site adjacent to our station, 1101, which is the closest to the coda facility. The closest afd station is just in front of the airport there. The pink is our area, and everything outside of that area. Essentially we cover from the south side of the river to i-35 outside of the city limits within travis county. Kind of put some road networks on to

this. It should also be noted that we have an automatic agreement with the city of austin that we have benefited from greatly and we hope that we've also added value to the city of austin. I think we have a very good working relationship with the austin fire department at all levels, and I hope to continue that. This is the interesting part too, is this is a five-mile ring around every station in the austin fire department, and you will notice the cota site to the far right bottom. The only place that's further out, or as far out from the reach of an austin fire station in the cota facility is common ford park, which is located up there on the lake. As a result of that this impact, when the city does annex the tract, because of our automatic aid agreement, the proximity of our resources, then there will be a burden for us to continue to provide service. We've also invested over the course of the last year 8 million in infrastructure that is going to be -- that was to provide to the tract. I'm not 100% sure that's been added into the math equation for the cost of service to city upon annexation. And so what we propose is an interlocal agreement between the esd and the city of austin. In essence what we're asking is to continue to have the to the service plan. Depending upon the success, we would also like to take some of that remaining in place, and look at building a dual-use fire station for for esd 11 in the very near future. So currently in the sales tax we get a half -- the library district current lip has a half cent of the two cents. The emergency service district is currently getting a cent and a half. So the taxpayers out in that area have already elected to impose that tax and give it to the esd. If the esd is deannexed, the library district will stay in place. The city of austin will get a half cent and capital metro will get another cent. What our proposal is, that the library district continue to get their half cent, the city of austin get their half cent and the esd get that 1 cent. And in three years what we propose is essentially the same, with the exception of we would go to three-quarters of a cent and dedicate a quarter cent to a dual-use facility for the austin fire department. Essentially building a fire station on what is currently city of austin property or dedicated to a station right over in morris crossing, still inside the county but it would better serve the birdall farms area as well as the tract and I think what you'll see that is that this proposal requires no funding from the city of austin. It benefits service to both the residents of both the county and the city. It provides sustainability of service to the emergency service district, and it ensures the best protection of the tract facility, and lastly, city revenues from the tract will be the same as what you've seen in your projections prior to today. And I'd be happy to answer any questions. next speaker is ron wattinger.

>> Thank you. Carla wegner here? Carla wegner? Okay. So you have up to six minutes.

>> Good evening and thank you for hearing us. I'm -- I've lived in the or area. I've spoken to you several times about cota. I've told you several times how excited I am about what cota can bring to our area as far as infrastructure, services and how it has -- it has a great impact on the school district and all those different partnerships. The part that scares me is that if you all deannex the emergency service district, people around me and where i live are going to have higher response times because there is no safe way from what is currently the city of austin to the cota site, other than the country roads, and unfortunately if there is an accident with people traveling, our emergency service district being first responders in public safety will be responding to those accidents. That's going to take away from us as citizens. Now, unfortunately we don't have any say. The only ones that stand to lose here is capital metro, and they're really not losing anything because they've never -- losing anything because they've never had it, but you are taking away from us. You are taking away from this community. You're taking away from an area that doesn't have very many resources. You're put in a very difficult position to have you sit on the capital

metro board which has to make a very difficult decision because you do have a fiscal responsibility to them, but it's not fair to give to them and take away from us. When capital metro and we moved del valle high school to where it is currently, we asked for seven years to get a bus route to the high school. We couldn't do it. We couldn't have it. It wasn't enough ridership. Doesn't matter that half our kids live in the city of austin. They couldn't do it. It wasn't until the university of texas health center moved on-site to capital metro, then found a way to get a bus route out there. I'm sorry, I don't want to take away from anybody, but I definitely don't want to take away from the residents that are supporting cota or supporting the growth and we're losing in the process. Ever since this has come on, so all of you know me and have seen me, I've been supporting it. And I'll continue to support it, but it has to be a partnership. It has to be equal on both sides. Please do not punish our area by taking away the one economic impact that can help our public safety for a bus that doesn't do anything in our area. It's not fair, it's not right, but -- no cost in the roads, the road improvements. They don't have any cost in the water and wastewater inlook. You are going to rebate upon, you know, in the future, but cota has already put all that in. So please do the right thing and work with the emergency service district for the public safety of the people that live in that area. We don't have a vote in the city. We don't have a say. We have to rely on you to do the right thing and to do what you would want for your neighborhood, your community and your area. That's all we can ask, and i hope and I pray that you do the right thing. Thank you.

>> Mayor leffingwell: mr. Wa wa ttinger, this isn't really a question, but my best understanding is we have no authority to do what you're asking. We were to -- if we were to annex this area, that would automatically, since the city of austin has opted into capital metro -- capital metro would automatically get the penny for that area. We don't have the authority to say yes or no on that. To the best of my knowledge that would require --

>> you can't -- that would require a vote of the entire city of austin, and I'm not even sure that would be legal, but we don't -- just to be clear.

>> Okay -- it's not that we're -- it's not a question. So -- I just want you to understand we don't have the authority to do that. Council member martinez?

>> Martinez: thanks, mayor. I was going to wait, but since you brought it up -- i am an sorry -- I forgot your name, sir. Ron? Wattinger?

>> Yes, sir.

>> Martinez: sorry. Since the mayor brought it up, what we've been told in terms of legal advice is exactly what the mayor is saying. We don't have the authority to do exactly what you're saying. We can get there, and I'm going to talk about how we possibly get there in a different way, but the decision that will eventually be before the council is simply to annex or not. It's not to annex and divide these pennies up creatively as we see fit. But there is a pathway to potentially share revenue, and we have that opportunity through the automatic aid agreement with esd 11. So if there is some room for revenue sharing and service sharing, which is what the automatic aid agreement is about, then it would be through that agreement that we could accomplish that outside of this annexation process. And I'm certainly supportive of continuing

those conversations. My staff has met with chief bailey. We do have his proposal before us. There are some good points being made by the esd, but it's something that our fire chief and fire department staff as well as our budget office and our law department will have to go through and then will eventually bring it back to council --

>> can we delay it one year and try to work through some of those things? Because you're going to take away a significant amount of what we have to protect our people that live in this area. again, when you -- when you say we're taking away, the tracts never existed so you've never reaped the property value --

>> you're right, I also didn't reap 120,000 people coming on my roads to come to an area which you're going to reap the tax benefit. correct, but we're also going to reap the services that are required when that event happens. As you all are as well.

[One moment, please, for ]

>> I do also want to mention that this annexation, if it is approved will not be going into effect.

>> Well --

>> Morrison: Excuse me, which means the sales tax up through this year and up through this year's event will be going through esd 11, so I think that offers a little bit of leeway in terms of being able to look at how things play out in the coming months during different events and being able to sit down and that conversation that council member martinez was mentioning. the next speaker is john carlton.

>> Thank you. John carlton. John. Don't see him. Agiano. Eric when drexeric hindrix. Zane bumpus. I don't salary zane and ion, you have twelve minutes.

>> I am john carlton, the general council for travis county and working with chief bailey and i respectfully disagree with your legal department on this one. I think what we found is a creative solution to a problem that is significant for this part of the county, particularly when these events are going on. I will be happy to talk to the legal department and i talked with the assistant attorney and I encourage you to keep an open mind and council member martinez, i appreciate your observation, these are significant issues and the surrounding community, the area around this tract that is not going to be annexed by the city of austin is going to be hugely impacted by these events. And, yes, we are -- it is talking about not -- revenue that we haven't seen before, but there is going to be increased service demand, increased call volume, increased difficulties getting to the people that are outside of the tract that the city of austin doesn't serve, and those costs have to be offset somehow and the way this annexation is occurring, all of the money and roof goes to the city rather than travis county esd11 and i will say the city staff has been meeting with us and talking and good and council member morrison I know you spoke with us as well. I know you don't want to engage in a legal debate tonight so I will leave that time alone and will be happy to answer any questions.

>> Martinez: Mayor.

>> Mayor leffingwell: Council member martinez.

>> Martinez: Can we make sure those conversations continue to happen and that we, to the largest extent possible, explain our legal position as to what the legal decisions -- what action the council can and cannot take.

>> Mayor leffingwell: Is william debore here? You have six minutes.

>> I trust you, mayor. I don't need that time. My name is jason pack and i am here representing travis county firefighters association local 4583. And we want you to know that we fully support the proposal that chief bailey has brought forward to you. First and foremost, we believe that this will be highly beneficial in regards to public safety and from an organized labor standpoint, it makes for a much safer working environment for the firefighters who service that area by able to go to four man staffing. You know how important that is. And, also, it gives us a sense of future job security that we are not afforded in the county which is something that we are always trying to obtain. Thank you. thank you. Bob nicks. Is jeannie here? Jerry ford. Travis clancher. You have up to five minutes.

>> Nobody signed up for me. Thanks. Council member, mayor, city council, thanks for your time tonight. As you know austin firefighters association is in support of this. Now, that was before we understood there might be some legal issues, which we are -- of course is not our business to weigh in on but to the extent that it is legal, if it works out, we are in support of it and we think it's a creative way to provide services and we are support of it but we do have, you know, some stipulations we think are important. The agreement certainly would, if it does turn out to be legal, need to rapidly move towards four-person staffing. Esd would still be in the interlocal, the primary provider service but we acknowledge by virtual of positioning of their station they would be providing a lot of the first response service, temporarily at least. The treatment would there is stipulate a fire station funding in that agreement that eventually becomes city of austin fire station and staffed by city of austin firefighters. When you look at concentric five mile circles that chief bailey hit upon there, you see that the tract is right on the edge, further out than most of our annexations and so it stretches the limit on what we consider appropriate automatic aid. Automatic aid is important in the city of austin because it allows us to annex and provide services by the esd where there is interface where they are both providing services equally but abuse of that would be when you get too far outside of the city of austin and the tract the is in that area so this is a creative way to temporarily provide service by esd 6 but have a mechanism in the funding to have a fire station that question can put austin firefighters in the -- that we can put austin firefighters in the future. So we are stretching limits of automatic aid. I think this is a very interesting proposition to deal with that. Now, there might be some legalities, I understand that, that can be worked out but our support hinges on it, also. But we do support if it is a legal way of stretching the boundaries, allowing annexation to allow service and even get a fire station for us in the process. Thank you for your time. Appreciate it. thank you. Kathie olive. Kathie olive. You have 3 minutes.

>> Kathie olive, president elroy neighborhood association. This past saturday we had our first ever elroy block party. About 45 residents asked me we are standing with chief bailey and his proposal. We, the residents of elroy are asking you not to weaken our fire protection service in

esd 11. And then I have also written to each one of you and asked you to tell you that I was concerned about the noise if this area was annexed. From day one, I have asked that the tract be clear and the lights be turned off by 11 o'clock so the contiguous neighbors, a lot of them have small children that have to get up and go to school, and you have the power to make that happen. So we need your help to manage the noise and to protect our fire service. Thank you. Next speaker is Shawn Ireland. Excuse me. Council member Tovo.

>> Tovo: Olive, you have been in communication with my office about this issue and I believe that we had asked staff to look into the noise ordinance issues. I don't know whether they are prepared to speak about it this evening or if we need to hold off until a little later in the process, but.

>> Greg Guernsey planning development and review department. Regarding annexation of the tract and the amphitheater, those improvements are shown on the plans that were submitted earlier this year, so there is a provision or provisions dealing with annexation of uses. There is specific resolution 002 which speaks of continuation of use. State law says that a municipality may not after annexing the area prohibit a person from continuing the land use in a manner in which the land was being used in the date of annexation proceedings, or instituted if land use was legal at that time or beginning to use the land in a manner that was planned for the land before the 90th day before the effective day of annexation. And this would include a completed applications for the initial authorization filed with governmental entity before the date of annexation foreseeing were instituted and what that basically means is because the plans were submitted to the city of Austin, the city of Austin, regardless of our zoning authority and our noise regulations would not be able to stop the use from continuing in a manner that was planned prior to annexation. That applies both to the amphitheater and there's the racetrack. The city of Austin does have requirement for outdoor music venue permit or basically a sound permit. We would not be able to deny a sound permit to the amphitheater because that use was planned before the 90th day before it came into the city. But we would require one be done. We would not be able to limit the racetrack from being used on our zoning -- under our zoning authority or under city sound ordinances for its operation. That would include both the cars themselves. We would not be able to limit the operations of those vehicles, nor would we be able to limit the -- I guess the PA system, announcement system for the racetrack.

>> I was not talking about cars. I was talking about rock 11 o'clock in the morning, keeping children up.

>> Guernsey: There is a which the stay would require the sound amplification permit that could be associated with this but we could not deny a permit coming in.

>> Okay. Can you complain about it?

>> Guernsey: Anyone can complain whether you are inside or outside the city.

[Laughter] certainly -- certainly look at that. But we may not be able too -- to stop the venue from operating.

>> Okay.

>> Tovo: Mayor.

>> Mayor leffingwell: Council member tovo.

>> Tovo: I am sorry. I think we will have to follow up outside of this meeting but I want to make sure I understand it. Our last year, it was clear -- it seemed clear from the answers that the racetrack use, ie, the cars, would not be subject to the noise ordinance. Is that correct?

>> That's correct.

>> Tovo: As well as the amplified pa system that currently is operating on this site. It was a lot less clear to me that there was a definitive answer about live music given they've even broken ground on the amphitheater so that is not use that's present nor will it be 90 days before annexation if the annexation is approved so I would like to follow up. You can certainly respond but I would follow up and you can give me those provisions of law and we can talk more about it.

>> Guernsey: I will be brief. We went back and made sure they were actually on the plan today. They were actually back in April and May of this year, the amphitheater. The state law sets out if they are planned and approved by the governmental entity that we cannot basically infringe upon that right under state law for them to hold concerts, so the city of Austin could not automatically go in and say, yes, you have the amphitheater but you can't get a sound permit to operate. That would be in violation of state law. We do have the right certainly to require that the permit, but we would have to issue it, our sound regulations really are measured at the property line and given the distance of the amphitheater to the property line, basically surrounded by the track, it is probably pretty doubtful that the amphitheater is going to exceed 65-decibels at the property line, but then again, we don't have that application to review at this time. In fact, it has broken ground. In fact, it is almost completed and will very likely be completed well before annexation.

>> Tovo: Thanks for that clarification. I wasn't aware of that. Guernsey, so the city could not deny them amplified music permit.

>> Guernsey: Correct.

>> Tovo: And I take your point, that the site is so big the measurement at the property line likely would not exceed the decibel limit, but if they did, they still would be subject to the noise regulations that all other businesses within Austin are subject to. Is that an accurate statement?

>> Guernsey: That is but not to extent that it would limit their ability to have concert at this venue.

>> Tovo: But if they had concerts and were exceeding the decibel limit, I mean, it --

>> Guernsey: They would have to --

>> Tovo: They wouldn't be held to a different concert venue than anybody else.

>> We would like at the decibel measured at property line and as I said, it is a great deal of distance between their property line and the edge of the venue. Staff can follow up with you on a later date to go into more detail, but I feel comfortable telling you that after speaking to the legal department and reviewing the state law.

>> Tovo: Thank you.

>> Mayor leffingwell: Council member morrison.

>> Morrison: Greg, I just want to make one more comment or maybe if you can just look into this, and that is that there is a state law that they are under right now that is 85db, I guess, is that at the property line?

>> Guernsey: I would ma'am that's at their property line.

>> Morrison: Okay. And that's independent of what is generating the noise, is my understanding?

>> Guernsey: That I am not sure. Again, we are talking -- as I understand, in dealing with a vehicle a little different than just dealing with a pa system or something like that.

>> Morrison: Maybe you can look into that. I want to make sure that we really -- I want to make sure that we understand completely but since there is a state law of 85db, I think it will be good to understand how that -- how that applies.

>> Guernsey: We can certainly look at that and speak with the law department.

>> Morrison: Thank you. shawn ireland.

>> Hello again. I would like to speak in favor of annexation of formula 1. I would say please annex it. Let's open up that big treasure chest full of gold coins we were told were going to happen when formula 1 got here so as an austin city resident and taxpayer, I would very much like to see us get those benefits, especially because the -- you find people and so many other city employees -- not only bending themselves backwards but turning into pretzels trying to facilitate that race. I think there is a lot of logistical efforts for this and up until now it is for free and I would like some of those tax dollars come to help pay for this. I understand, like you said council member morrison, that it's going to be in december, so the emergency district will repo a huge windfall in f1 which will lead them into whenever we the annex them and fix the problems. I think there is a lot of leeway for that. I want to say this also something that was bothering me is it wasn't in the city -- assigned to city limits. I don't know why we were going through so much effort to support it. It is in the del valle school district. The apple facility is in austin but it is so far north it is in the round rock school district so aisd is not reaping any rewards from the incentivized projects so you can vote formula 1 into the city of austin but you can't vote it into aisd and that's because we are austin and we had to come here and I believe one of the things

was, oh, it would have gone somewhere else, like as if the la quinta in bastrop could handle formula 1. So I would like to say as a taxpayer and resident of austin, that's why I support it. I hear your concerns and i hope that we can have a mutual discussion on how best to facilitate both the emergency service district and also the interest of austin, so I would please annex formula 1. Let's get those tax dollars but, also, please let's stop incentivizing businesses that are not within the city limits of austin or not within aisd school district, you know, that with the teachers being laid off and budget cuts and schools being closed because they are missing out on that money but round rock and del valle are doing well so it is a silver lining for them. Please annex formula 1, get dollars into the city. And thank you for your time. just for your information, there are 7 school districts in the city of austin. Just because they are in a different school district doesn't mean they are not in the city of austin so we support all of our school districts that are in our city. It wasn't a question.

>> I agree. I was just mentioning -- it is the round rock school district so I imagine the majority - round rock school district in the city of austin.

>> I have a legal question, one thing -- no, you don't -- your time is up. Your time is up.

>> All right. I just want to ask if citizens actually can be annexing they could vote on this. time is up. Entertain a motion to close the public hearing. Council member martinez so moves. Second by council member morrison. All those in favor, say " aye. Opposed say no. Passes 6-0 with mayor pro tem off the dice. Mayor pro tem off the dices.

>> Thank you, 97, the dessau business park area, 151-acres and located father northeastern travis county and howard lane and dessau and it is etj and adjacent to the city's full for purpose jurisdiction on the west side, development includes industrial park, adjacent commercial tracks and rural residence, water utilities were in the area and the city is learning to annex the property severed by the system. A portion is for agriculture use for add valor rem tax purposes and right now the owner has an option to enter into an agreement with the city to assure the property's etj status while the property continues to be used for ag purposes, upon application to develop the property, any restrictions on city annexation becomes void and unenforceable and the owner signed this consideration and I bring that forward to the council consideration at the same time you are scheduled to take annexation. The city would provide fulmen approximately services as described in the service plan and staff has copies of the presentation today and that concludes item number 97. thank you. Public hearing. Roger murry. Hold on just a second. So the next speaker, he can speak before you but I don't know if I can put him ahead of everybody else. So the next speaker is ted vitek. Do you want to speak? Clara vitek. Darlene chapa. Lee hill. Okay.

>> My name is lee hill. I am a resident of precinct 113 in travis county. A little of the precinct is already in the city of austin. Over the last three years i have noticed the city of austin is not a good of steward of areas they control as travis county, in their areas. I do have problems with some of the things travis county doesn't do. Pflugerville does a very good job of what they do. City, y'all do something here. Y'all should do, you don't do it here, two into crazy stuff you shouldn't even get into. People build -- put poles in the middle of sidewalks. You talk about pedestrian access. I have had 8 poles for six months in the middle of sidewalk and now your council or staff won't give me the mediation plan that they are reviewing that the company that

did it does. I have asked for it and can't get it so before y'all go annexing my area, be responsive to all of the questions I ask you, please. Thank you. thank you. Clodial haynes. Wayne angel. Cindy ngel. Ranzt ricktor. You had indicated you wanted to donate time to cindy, who is not here. Okay. So mike jeter. Donating time to you is roger murry. Again, I believe you were here, ed vitek. What is your name?

>> [Indiscernible] so are you donating time to mike or do you want to hold it for yourself?

>> [Indiscernible]

>> mayor leffingwell: okay. So ted vitek is donating time to roger -- excuse me, to mike jeter. Correct? Sarah vitek.

>> Mayor.

>> Mayor leffingwell: yes.

>> I apologize. I am watching the interactions here. I am -- I am sensing that others want to speak. They just want mike to speak first and then they will follow him.

>> Thank you. well, I am trying to go by my list.

>> Martinez: I understand. I am trying to help you because I am seeing them interact with each other. right now, mike, you have 3 minutes.

>> I do not have darlene doorchapa's time -- darlene chapa's time. no, you can. Darlene, do you want to donate your time to mike? Okay. Say that again.

>> [Indiscernible] let me refresh my -- city clerk, I have roger murry, ted vitek, sarah vitek, and darlene chapa. I am not getting that all of those people want to donate their name. vitek, are you donating your time to mike jeter? And roger murry is not so you have 12 minutes.

>> And the reason that that is so complicated is because we are pretty organized group out there, even though we are not in the city and this is almost entirely compized of the dessau business park property owners association, with the exception of two lots. I happen to be the president. I kind of -- you know, i know most of the issues so they would like me to talk first. Thank you for understanding that. Being a pretty organized group, it -- it did take a couple of weeks, but when everybody got the little flyers from staff, they panicked, called me and said, why are we being annexed. I said, well, we agree to be annexed if the city of austin wants to. It is just part of the deal. Serious issues have been raised and they asked me to bring them up, and of course looking at the annex map, the first thing was why is it -- why is it so skinny leading over here to us? I said, well, I think they are required to have 1,000 feet at the narrowest going to us. I didn't measure that far, but maybe it is. Generally, though, this gerrymandering approach to this annexation is simply to avoid giving city services to an economically challenged area. Unfortunately, the way this is drawn, without any input from our particular area, this is going to perpetuate a disenfranchised neighborhood and it's being purposefully avoided. I know that's the

dollars. Neighborhood doesn't appreciate that. This is disenfranchised neighborhood and they don't like this. They are not even invited to come because they are not even part of this. So really encourage that, when they do stuff like this, especially when they are somewhat organized like we are, come talk to us. We have had no input in this whatsoever. If we had had input in this, we would tell them, look at these houses over here that you are not including purposefully, they are all very small lots, small houses on them, all set to system -- all septic systems. They are all clearly not performing septic systems, draining into the creek, because they are just too small. Lots are too small for this. There is a lot of crime. Pflugerville school district was -- you've got part of their property and part not. Fortunately, they have helped out in a lot of the organization and government in this area to the point of where one of the houses that you -- two of the houses you are purposefully not including here, I don't know what it was used for, but somebody had taken a spray paint can and written all across the side, frack house. It really disturbed a lot of the people who had to park in the parking lot right across the street from it. Yes, it is not anything any of us like but we have to attack this thing and not disenfranchise it. Therefore, the owners out here asked me, well, what can we do? And I said, well, I don't know but I think if we all vote as a majority, to oppose annexation, perhaps the annexation staff can -- or the council or whatever can come and talk to us and persuade us why this is only applying to us and not the others. I do have the votes in and we will compile them and give them to the authorities if they -- it was unanimous. It was not a majority. Fifty-five members, every one, what do we give this to? Is it the secretary? Or who do we give this results of our opposition? give it to the city clerk over here.

>> City clerk. Okay. We will be delivering that, then, I will try to formalize it and give it to them monday, not that we oppose annexation, per se, just this package is done without enough thought and we asked you to redo it, and don't create a problem there. I know the problem already exists, but this will be really compounding thing. Just not the right thing to do. So based on all of the amenities that we are going to be getting, which, since we have almost everything, i think we are going to get library cards and animal kill pickup, but we have agreed to be annexed. It is part of what we are built for. When we went to the city of austin to get permission to subdivide and build the business park, to work with staff because it's always been intended to be, and was designed to be built as a light industrial park. It's functioning real well like that. Designed and built and it's been operating as a light industrial park. Part of what owners don't understand is that we are prohibited by our codes, covenants and restrictions from being anything other than light industrial park, specifically no residences are provided are allowed so we are going to go in as single family residential zoning. And I suppose everyone is going to have to apply and say, I am not -- I can't be a resident, don't make me be a resident, and you say that I am and I have -- and i want to sell my property, i am kind of in limbo. I am not going to be able to get necessarily a clean title. So hopefully we can think about this and regroup and maybe draw it up to where it fits good for everybody. Because I know that it's really within what we can do to do that, so please refer it back to staff and draw it up good. Thank you.

>> Spelman: Mayor.

>> Do you have questions.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I have a question for ms. collier. Many years ago, many collier, when we annexed a new neighborhood, all of the land would go in the development reserve if they were rural residential, given this has been built on is obviously industrial land, is there a way we can go immediately to final zoning without having to go through a zoning hearing.

>> You are referring to section of the code that describes annexation land and in a plot. If it is in a residential subdivision it will give 4 lots, if it is more than 4 acres and there is a specific part of designated land that allowed property owners to come in and not pay the zoning application fee to encourage them to apply for zoning they want but the zoning and the annexation and hearings requirements is completely separate and different, you can't apply zoning right upon annexation. You have to get interim designation and go through the whole zoning process to establish this.

>> Spelman: So we would go through the zoning process but it need not cost the landowners here to do that.

>> Right.

>> Spelman: Would it take any less time than the usual zoning case? Or you haven't got enough experience to know?

>> I think zoning cases are standard. I don't think -- there is a lot of neighbors around that would oppose the zoning, so if that helps move the ..

>> Spelman: There are not a lot of neighbors around who do oppose?

>> Right.

>> Spelman: Got you. Thank you. in the meantime, existing use would continue. Okay. Roger Murry.

>> Wow, it has been a long night. Well, my name is Roger Murry. I own the property at 2212

[indiscernible - no mic] and I am the board of directors of the [indiscernible] association and as Mike said, the majority or unanimously we opposed the annexation, and there are, you know -- and we are going to do whatever we can to -- to make sure the lines of this annexation are correct and like Mike said, also, are in the best interest of everybody, and there is -- we can't, under section 023 of the state statute request that we can petition for there to be an election if we need to. Hopefully we can come to some agreement without having to do that but I believe that is within our right. We have been a light industrial park for 12 years. We have been operating as such for 12 years. And to zone us, to come in and see us as residential, Collier explained it very well, but it makes no sense to me. It is not even logical to do that. I think in that same section 023, it talks about the fact that you can't have a land use other than what it's been used for for -- in its history. And so if you zone us residential, I think you might be in violation of that, I don't know, but it might be worth looking into. So after we are annexed, should this go through, you know, you are asking us to sit down and fill out paperwork. We are all small business owners. We have better things to do, quite frankly, than to sit around filling out paperwork to the city of

austin requesting us to be recognized as we already have been for 12 years. I just don't understand the logic in that. So -- and another point i want to make is that as business owners, small businesses, we all are strapped. This has been -- economic times, we are all strapped for cash and to annex us at this point is going to put even more financial burden on these small businesses in the form of taxes that you are going to collect and, believe me, they are all going to go up. And I just think that's undue burden on us at this time. And I just wanted to make that point. We collectively employ 500 people in this busin park.

[Buzzer alarming] and so I think that you should give us consideration that, as a -- as an entity such as that, as a whole, we are a very important part of this neighborhood. okay, thank you, mr. murry. That was your time. Ben chappa. murry, would you like an additional 3 minutes?

>> I was trying to make the point that we collectively employee 500 people in this business park and I know that if we were a company coming in from outside and we would be sitting here and I would be petitions for the council to give us consideration of tax breaks or some sort of incentive to become part of austin. It needs to be a win, win situation for everybody. But as it is, you know, you are plucking us out of the middle and going to tax us, and I just think that there has to be a way, you know, to make it palatable for us all, make -- you know, give us -- let it be palatable so we want to be part of the -- part of the city of austin, you know. But -- so, in closing, I see no advantages for the business park to be annexed by the city of austin. All of services that you tell us you are going to provide for us, we already have. Thank you for your time. is there anyone who signed up to speak in this public hearing whose name I haven't called? Entertain a motion to close the public hearing. Council member martinez so moves. Council member morrison seconds. All those in favor, say " aye. Opposed say no. Passes 6-0 with mayor pro tem cole off the dyas.

>> Brings us to item number 98, the estancia hill country wunneburgeerer area. of the Estancia Hill Country/Wunneburger-Strange annexation area

(approximately 619 acres in southern Travis County, west of IH 35 South approximately eight-tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway). This is on the restrictions of north side of the area. It is currently undevelop and includes the estancia hill country mixed use are project which county approved all of 2011 and adjacent vacant tract unoccupied due to flip plane in the area. If proposed this will have logical area where the boundaries east of san antonio and the area are in the full purpose jurisdiction. The developers will submitted a planned unit develop zoning application for this project which is currently under city review and in order to approve zoning for the property it would need to be annexed for limited or full purposes. This property will use the city's water and wastewater services. Council authorized 2 million-dollar reimbursement for wastewater fiscals. The developer seeks couple approve for public improvement district to finance improvementses and amenities for this project. It allows to sell bonds and enhance public improvements for a particular location and the costs are repaid by protoowners with pid assessments allowing them to reduce their debts. According to this, this would be require for approval of pid, for those benefits from proposed modes. The developer has requested the city delay full purpose annexation in order that city taxes and pid assessments together would not be charged in the area, the developer suggested that this combination of limited purpose annexation of the residential portions on northern half

and the part on the south end would be more beneficial not project. However, tending city limits across the residential area and excluding that from the city's jurisdiction would result in inefficient provision of public safety services and staff wouldn't recommend that partial annexation. Last week's council hearing, council asked for specific information about the potential loss to the city of delaying full purpose annexation the residential area for which the developers are requesting 30 year delay, let me remind you city's annexation fiscal impact model incorporates estimated revenue and requirements associated with providing the municipal services associated with full purpose annexation of the proposed development. This model is not intended to identify or predict exact costs or revenue. It is just a tool for assessing the expected financial impact to the city of a particular proposed annexation. So based on the approved preliminary plan for the estancia hill country project. The commutative cash flows over 25 year period represented in today's dollars is a positive \$7.3 million. City finance staff reran the financial model for the smaller area as requested, which would be a simple purpose annexation area reduced only to include the commercial portion of the proposed development, which is the southern half kind of like phase two, a mile and half down the highway and found the 25 year net present value cash flows would be reduced from 6 million so you can say difference of 7 million is what would account for the loss of the residential area. There was also some discussion regarding a strip -- a full purpose annexation across the residential area and this, too, is not an ideal situation. So in conclusion, staff met with the developer several times since last week's hearings and after multiple discussions concur the proposed development does provide for some superiority on some elements. However, some of the superiority elements were part of the original development plans and were included in the county approved prelim before the pid where this project was proposed. Over all in staff's opinion the proposal does not merit a long time deferral of full purpose annexation. However, staff will continue discussions with a developer, so if we go back to the annexation hearing of which this is the second of two to be followed by council action on november 8, as described in the service plan, the city would provide full municipal services upon annexation, copy of the service plan are available today and I would be happy to answer any questions you have on item number 98. go to public hearing. First speaker is steve metcalf. Michelle lynch, is michelle here? Okay. Danny solvo. John schneider. You have up to 12 minutes.

>> Threw, mayor, council, i don't think I will need all of that time. Are the powerpoints loading? collier said we have been meeting with staff for the past week. I would say we have had 8-10 hours of pretty detailed discussion, and I guess -- i would phrase it a little bit differently, I think, that almost every department we have talked to, whether that's affordable housing, parks, bikes, watershed, environmental, all have come conclusion we are providing vast amounts of superiority which I will highlight later as we go through and we are continuing this discussion. We have another meeting set monday or tuesday to follow up further and we will continue that discussion. Let me skip through some of this, given the lateness of the evening. The first thing, again, to remind you is we came to the city back in november and proposed doing a limited purpose annexation, a pud and a pid, similar to what was done on whisper valley. At that time it was not in the city's annexation plans. It wasn't until we started this process that the whole prospect of full purpose annexation came up. So this isn't a situation where we were getting full purpose annex and now we come to try to offer something in an alternative. We already started down this path before the full purpose annexation question had come up. One thing I would like to point out, if you look at this annexation plan, you can see the yellow is the city full purpose

and the blue is the etj. We are the red outlined project there. What you will notice is that green dotted stuff in the blue etj below it, that's flood plain or critical. So pretty much -- we are sort out of at the boundary right here. There is not anything we are keeping from being annexed. It is really developable land. Even if -- even if you did want to annex some of that land, as you can see, we are not blocking that from coming around. You've got limited -- you have full purpose annexation that runs all along i-35 and the only part of our property that we are suggesting be full purposed annex and understand the numbers and we can talk about it -- a little bit about that, but is that yellow area you see right there, which is what our retail would be? And again, we would suggest the city full purpose annex that, get the sales tax, get the add valor rem tax off of it, we discussed this with esd 5. We discussed it with austin fire department. They are okay with that situation. Ultimately, we would be giving a fire station site to the city to put on site on our project in the future. But if you look at this map, there is esd stations around us, and they can serve our site, I think, unfortunately chief baranoff could not be here -- chief bwron could not be here but he sent a letter to council explaining esd would love to continue to serve this site, has the ability to do so and has the same concerns about the negative impact on the esd should the add valor rem tax from our project be lost. Let me hit to superiority stuff because that is the key here, this project if we get full purposed annexed, these flings full superiority we wouldn't do. We would be straight zoning so these items of superiority wouldn't happen and let me highlight what some of these are. First and foremost, affordable housing, we are talking about 10% at 80% for ownership and 10% at 60% for multi-family. This is not an area where s and the whisper valley pid are, where it is affordable by nature and market. The original house prices in here estimated -- 250-\$300,000, so it is not one of the ones that's just affordable by market, so we have met with the affordable housing staff again as recently as yesterday, and they acknowledge that this is an area they would really like to see affordable housing and if it is truly providing benefit of affordable housing because it is not market. So, for instance, in the , they also added extra 2% of their proceeds towards affordable housing. The affordable housing department said they don't need it here because it is providing a affordable housing benefit. We talked about a lot of environmental improvements, volumetric drainage controls, innovative quality controls, protection of onion creek tread waters and tree protection and we are grandfathered out of the tree ordinance here. Lots of trail connections, met with parks a lot and what they want to see. We provided what they want, as far as trails, parks, et cetera, multi-modal transportation, a real key bicycle route here along old san antonio road, a lot of people use that to get to san marcos right now, a lot of it is not really workable because it is an old road with no shoulder, so what we talked about is providing the bike lines necessary to make that route usable. We talked about providing civic use by a school site, fire station side and intermodal transportation site. All of those things providing that we would not get and not provide or not be required to provide if we get full purpose an annexed. One thing we tried do is assign a value to some these things, some you can do that easily, some you can't. I don't want to go through all of these things in the chart. 1078 We mentioned. To high -- some mentioned but highlight it again, new york park land, donating a school site, donating fire station site and donating 9-acre, in simple terms you call it a park and ride site. Affordable housing, all of these things and probably the most important one to note is the \$2 million in reimbursement we will be giving up. There is not a speculative reimbursement, this is a council approved reimbursement, where council approved reimbursement for 2 million-dollars that we are agreeing to waive, so that's -- that's real dollars that would be paid in the next two years by the city that we are agreeing to step back from. I don't want to spend too much time talking about the city's analysis. We need to spend more time

with staff understanding where they came up with the numbers. Virginia mentioned that in her numbers up here, you see that they had the retail in it and that's where they got the 7.3 net present value. If you take the retail out, 6 net present value which is exactly what we came up with. So amazing we came up with the same numbers. So -- but if you think about 6 net present value of the taxes, that's almost offset by the \$2 million you will have to pay for the next year or two to pay for the wastewater line so there is not a big economic benefit and we would say there is, you know, the economics are much more aligned with the limited purpose annexation we proposed. You know, you look at \$21 million we showed, iv mean, that's a big number, 3 net present value that staff came up with. Another thing that's been mentioned is we should be -- to look at whether or not, if we had double taxation, we could still do all of this and create a pid. What we did was analyzed the other competing projects in the area and you will see if we have double taxation, we end up pricing ourselves out of the market and the reason we have two up there is because part of our sites in hayes and part of it is in austin isd and we have different tax rates but you will see on the residential side of things, with competing probabilities we will be way above our competitors if we do that. On commercial, the same thing. All of our competitors immediately surrounding retail projects, you know, our tax rate will be way out of line of what they are. So we don't have the option of full purpose annexation and giving you the superiority items, affordable housing, all of those things if we get full purpose annexed. Again, let me just summarize. I think if we get full purpose annexed, unfortunately all of these superiority items we talked about, we can't do. I think there are some questions on how the value assumptions are done for what benefit the city gets out of full purpose annexation. We are going to have a clear negative impact on esd number 5. Surrounding neighborhoods support our superior development and want to see limited purpose annexation. A lot of them couldn't be here tonight but I think you have seen lots of emails and letters from them, you know, urging you to go to the limited purpose annexation route and, finally, and i think, again, this can't be understated. There is a 2 million-dollar payment cash from the city that will be due two years from now that we are agreeing to waive and that's not speculative. I mean, that's a council agreed to reimbursement. I appreciate your time. ron ralph. Ron ralph. You have 3 minutes.

>> Mayor leffingwell, council members, this is the first time I have been to one of these council meetings and I must say, i found it quite educational. The project that you have in mind is not supported by the neighborhood. I belong to if next door neighbors, to these folks. We have had a group there of -- of concerned property owners for over 25 years. I haven't been there that long. But about three years ago, when they started planning, we started working with them and said, what are you guys doing and they came and told us and we went back and said, we don't like that. We like this. They said we don't like that, we like this. And so we have worked together and a lot of those superior things that this gentleman was speaking about are the direct results of working with the neighbors. So we don't support your annexation. When I decided to come down here to speak with you, i wrote a note out on our chat group and 14 people wrote back and said, yes, you can say I represent you and we are not in support of it, either. Now I couldn't get the full support of the board because the board doesn't know about all of this. You guys forgot to tell the neighbors that you are trying to annex it. It came from the other folks. So we would ask you two one, postpone this or don't annex, and, two, try to be a little bit more communicative for the next door neighbors. Thank you. thank you. Clay dephoe. Not here. Those are all of our speakers. Entertain a motion to close the public hearing. Council member martinez so moves.

Council member morrison seconds. All those in favor, say " aye. Opposed say no. Passes on a vote of 6-0. Mayor pro tem off the dyas.

>> Item number 99 lindburg drive area which has 16-acres located travis county north and southth south of linder berg drive, one quarter mile west of lynnbrook drive and manchaca road it is the full purpose jurisdiction on the west side of the tracks, this area is undeveloped and includes preserve small lot single family division and the villas at lynnbrook condominium subdivision, we will provide the full service plan, copies of which are available this evening and this concludes the staff presentation for item number 99. we have no speakers, council member martinez moves to close the public hearing. Council member morrison seconds. All those in favor, say " aye. Opposed say no, passes on vote of 6-0. Mayor pro tem often the dyas.

>> Item number 100 is marbella area which includes 114-acres located southern travis county, east of 35, approximately 3400 feet south of the intersection of i-35 and slaughter lane. This arrest currently in the city's etj and adjacent to the city's full for purpose jurisdiction on the north and west sides of the track. This is currently undeveloped and includes multi-family residential project part of which is full purpose city limits. The owner asked for delay of annexations under travis county site development permit and this area is application praised for agricultural uses and the owner has an option to enter into agreement to assure the city's etj status. If the own is interested, i will bring that agreement before council approval before at the same time the council is scheduled to take action on the annexation. The city would provide fulmen approximately services a to the arrest as described in the service plan. Copies are available today and this concludes staff presentation for item 100. no speakers on this item. Council member morrison moves to close public hearing. Council member riley seconds. All those in favor, say " aye. Opposed say no. Passes on a vote of 6-0 with mayor pro tem off the dyas.

>> 101 Is the parmer lane luxury apartments area. This includes 71-acres and located in northern travis county, east of parmer lane north of the intersection of parmer lean and legendary drive. It is in the city's limited purpose jurisdiction, part of robinson ranch limited jurisdiction area and adjacent to city's full purpose jurisdiction in the southwest side of the area. This area is undevelop and includes proposed multi-family residential project and again the city will provide fuel mountain approximately services as described in the service plan, copies of which are available today and this concludes the staff presentation for item 1301.

>> Mayor leffingwell: okay. No speakers. Council member morrison moves to close public hearing. Council member tovo seconds. All those in favor, say " aye. Six-0. Mayor pro tem off the dyas.

>> 102 Is wells fargo area, 161-acres in travis county, amount the southwest corner of highway 290 east and highway 130, it is in the city's limited purpose section and etj and part of full purpose jurisdiction on the west site of the tract. It is n't cannily undeveloped and will extend land use designations to the area. This is designated as regional center and high capacity transit corridor on the imagine austin growth concept map. We will provide full municipal services on the service plan, copies of which are available today. This concludes the staff presentation for item 102. go to public hearing. John williamson. John williams. Okay. William bray. That's what it says, william bray.

>> That's always has confusing. Mayor, members of the council, I am terry bray and I represent the owner of the property that was referred to full annexed area immediately west of this particular site. We are strongly in favor of the annexation of this site. My client has acquired this property and annexed it, zoned it for commercial highway purposes, and planned along with a lot of the neighbors around the intersection of 130 and 290 for this to, indeed, be realized as the major northeast austin node which is what it is shown in the recently adopted master plan for this city. We literally are dealing with the whole doughnut here and it december separately needs the -- desperately -- it desperately needs the annexation and the plans for the site. The plans would be industrial use which is incompatible with major mixed use, commercial node that would surround 130-290 intersection. My client wanted to be sure we got on the record that this is very, very important, not just to us but to all of the other property owners that have, in good faith, acquired property, annexed that property, zoned that property, planned it, as well as residential areas that have been waiting many, many years that the services can now occur as soon as the market allows that to happen. We, therefore, urge that this annexation go forward and be approved by the council. Thank you very much. thank you. Danesey.

>> Thank you, mayor and council. I will keep this short. It's late. I am john danesey with win stead pc. I am here on behalf of the owner, which is pfi waste systems and republic services, the owner of the tract that is proposed for annexation. Obviously it was a bit of a surprise to the owner to receive a notice from the city of this annexation and that the annexation would be pursued under the exempt tract provisions of the local government code circumventing the traditional annexation process. Republic's plans for this tract will bring necessary infrastructure to this part of the desired development zone and we believe are consistent with the imagine austin plan and are completely, absolutely compatible with surrounding, existing uses and plan uses. With that said, we will -- we will not contest this annexation, but we do intend to move forward with our plans for this tract. We look forward to a full discussion of these land use issues during the zoning process. Again, we are not here to object. We want to work with the city. We are not going to ask you to oppose it. We believe the tract and republic services have a role to play in providing necessary recycling infrastructure for the community. We take the role seriously. We will ask you to work with us after this annexation becomes effective through the zoning process to ensure an appropriate use for the tract. Thank you. thank you. That's all of the speakers. Entertain a motion to close the public hearing. Riley so moves. Council member morrison seconds. All those in favor, say " aye. Opposed say no. Passes 6-0, mayor pro tem off the dyas.

>> That brings me to last item, 103, westlake crossroads loop 360 right-of-way area, with approximately 1612-acres in travis county at the southeast corner of loop 360 and westbank drive including approximately 2 and a half miles of loop 360 of right-of-way between bouquets road and walsh tarleton lane, it is within the etj and adjacent to the city's full purpose jurisdiction on east and west side. Development includes single family, commercial properties as well as 360 right-of-way. Again, the city will provide fulmen approximately services to the arrest as described in the service plan, copies of which are available this evening and this concludes the staff presentation for item number 103. we have no speakers. The motion to close the public hearing by council member martinez. Second by council member riley. All those in favor, say " aye. Opposed say no. Passes 6-0. Mayor pro tem off the dyas.

[Laughter]

>> Guernsey: Mayor and council, last item is item 104, conduct a public hearing and consider an ordinance amount amending city code title 25 to designate the planning commission as the land use commission for olden field neighborhood planning area. It's recommended by staff and the commission. we have no speakers. I will entertain a motion to close the public hearing and approve the ordinance. Council member morrison.

>> Move.

>> Council member morrison moves to close the public hearing and move on all three readings. Second by council member spelman. All those in favor, say " aye. Opposed say no. Passes 6-0. Mayor pro tem off the dyas. Those are all items we have on our agenda. Without objection, we stand adjourned at 11:40. Plan clear